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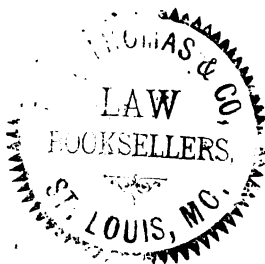
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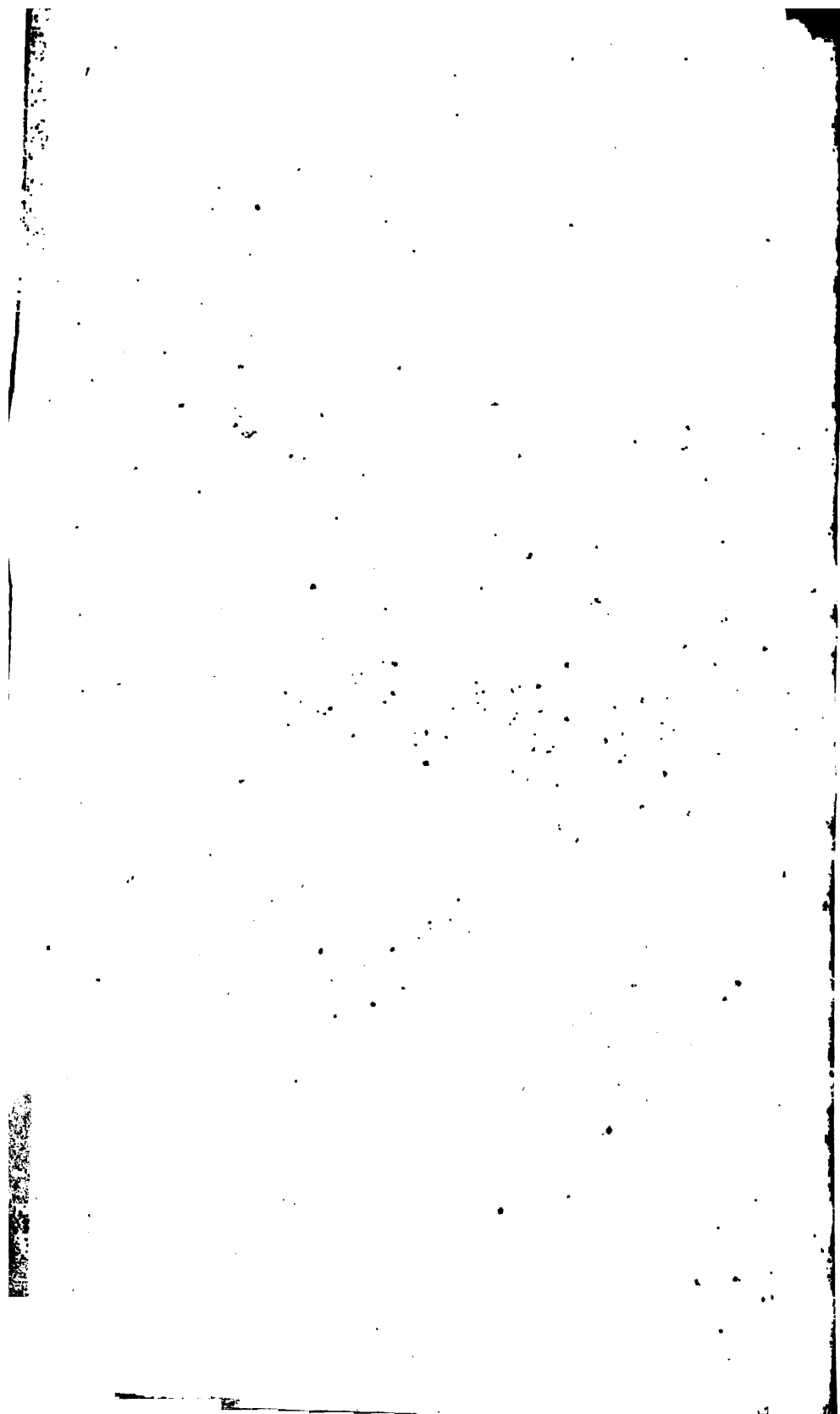
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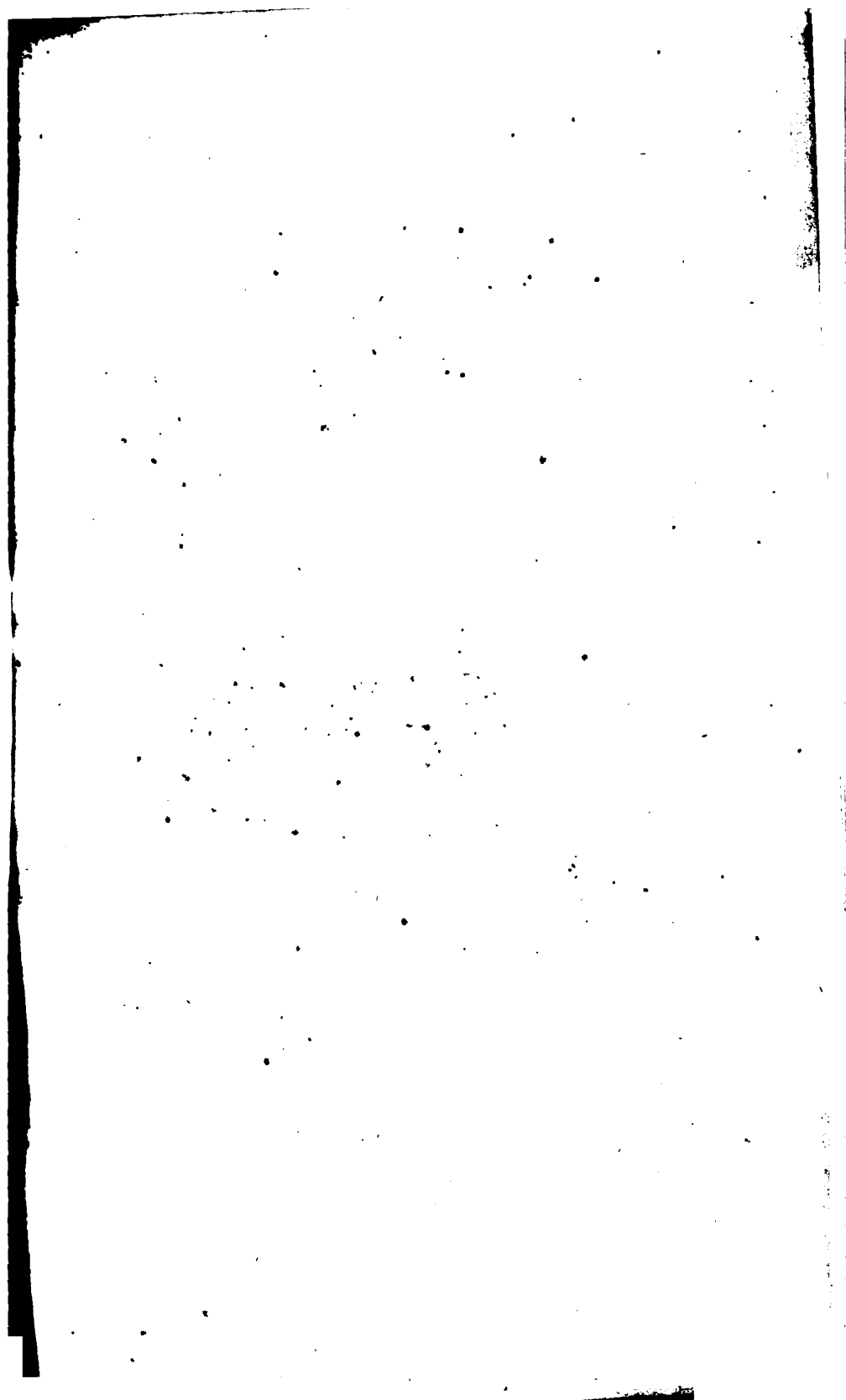
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Gift of Mr. Rogers

Michigan Collections





ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN;

16342

PASSED AT THE ADJOURNED SESSION OF 1837,

AND THE

REGULAR SESSION OF 1838.

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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to amend an act entitled "An act authorizing a loan of a sum not exceeding five millions of dollars," approved March 21, 1837.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the governor be, and he is hereby authorized and directed to negotiate and agree for the loan or loans mentioned in the act to which this is amendatory, at an interest not exceeding six per centum per annum, instead of five and a half per centum per annum, as therein provided. Interest not to exceed six per centum

Sec. 2. The interest which the certificates of stock or bonds to be issued agreeably to the act to which this is amendatory shall bear, shall be payable on the first days of January and July in each year, in the city of New-York or elsewhere in the United States, or in Europe, should the governor find it advantageous so to contract: *Provided,* That no interest on said loan or any part thereof shall be made payable in Europe, except when the principal shall be there contracted for and received; and in the event that said loan or any part thereof shall be contracted for and received in Europe, then all benefit to be derived from difference of exchange or otherwise shall enure to the benefit of this state. Payable January and July.

Sec. 3. In case the loan authorized by the act aforesaid, or any part thereof, be negotiated in Europe, then it shall be redeemable as is provided in said act, at the rate of four dollars and forty-four cents for every pound sterling of Great Britain, or the guilder of Holland at the rate of forty cents for each; and all payments of interest in Europe shall be also computed at the rates aforesaid, and at no greater rates. How redeemable if negotiated in Europe.

Sec. 4. So much of the act to which this is amendatory, as contravenes the provisions of this act, be, and the same is hereby, repealed.

Approved November 15, 1837.

[No. 2.]

AN ACT authorizing the township boards of school inspectors who have failed to make their report to the county clerks of their respective counties, as required by the act entitled "An act to provide for the organization and support of primary schools," to make said report on or before the first Monday of April next.

Board to
report.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all township boards of school inspectors within this state, which have failed to comply with the provisions and requirements of the act entitled "An act for the organization and support of primary schools," in making their report to the county clerk, and any other duties required by said act, shall have the privilege, and are hereby authorized, to perform said duties on or before the first Monday of April next.

Receive its
part of fund.

Sec. 2. That every township which shall comply with the requirements of the act aforesaid, and make its report on or before the first Monday of April next, shall be entitled to its due proportion of the proceeds of the public fund, for the benefit of primary schools.

Treasurers
apportion it.

Sec. 3. The several county treasurers in this state are hereby authorized and required to apportion said proceeds of the public fund, which shall come into their hands, among the several townships which shall have complied with the provisions of this act on or before the first Monday of April next, in their respective counties, in proportion to their number of scholars respectively between the ages of five and seventeen years.

Districts to
report.

Sec. 4. All school districts which have failed to report to the township board of school inspectors, according to law, are hereby authorized to report at any time before the second Monday of March next.

Receive its
proportion.

Sec. 5. The township boards of school inspectors, in the several townships, are hereby authorized and required to apportion the money which may come into their hands for the use of schools, among the districts in their respective townships, which shall have made a legal report on or before the second Monday of March as aforesaid.

Approved, Dec. 28, 1837.

[No. 3.]

AN ACT to amend an act entitled "An act suspending for a limited time certain provisions of law, and for other purposes."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That no bank going into operation after the first day of January, A. D. 1838, shall be permitted to suspend specie payment, under the provisions of an act entitled "An act suspending for a limited time certain provisions of law, and for other purposes."

Banks going into operation after 1st January, 1838, not to suspend specie payment.

Approved, Dec. 28, 1837.

[No. 4.]

AN ACT for the destruction of wolves.

Sec. 1. Every person, being at the time an inhabitant of this state, who shall kill a full grown wolf, or wolf's whelp, under the age of three months, within the peninsula of this state, shall be entitled to a bounty of ten dollars for each full grown wolf, and five dollars for each wolf's whelp under the age of three months, to be allowed and paid in the manner hereinafter provided.

Bounty, and who entitled to.

Sec. 2. Every person intending to apply for such bounty, shall take such wolf or wolf's whelp killed by him, or the head thereof, with the ears and skin entire thereon, to one of the justices of the peace of the township in which such wolf or wolf's whelp shall have been taken, who shall thereupon associate with him one of the assessors, or commissioners of highways of such township, to act with him in deciding upon such application.

Application for, to whom made.

Sec. 3. The person claiming such bounty, shall then and there be sworn by such justice, and state on oath the time and place and when and where every wolf or wolf's whelp for which a bounty is claimed by him was taken and killed. He shall also submit to such further examination on oath, concerning the taking and killing such wolf or whelp, as the justice and officer associated with him may require; and the statement made by him shall be reduced to writing, in the form of an affidavit, which shall be subscribed by the person making it.

Applicant be sworn.

Certificate,
when given.

Sec. 4. If it shall appear to the justice and officer associated with him, that the wolf or whelp was taken and killed within such township by the person applying for such bounty, and that the mother of such whelp was not taken before she brought forth the same, they shall cut off and burn the ears and scalp of such wolf or whelp, and deliver to the person so applying, a certificate of the facts, annexing thereto the original affidavit made and subscribed by such person; and every justice who shall issue any such certificates, shall regularly number all the certificates issued by him.

To be num-
bered.

To whom
delivered.

When fur-
ther evidence
required.

Sec. 5. The certificate, with the affidavit so taken, shall within five days after the date thereof, be delivered to one of the county commissioners of the same county; if such commissioner shall doubt the correctness of the certificate or affidavit, he shall give notice to the person claiming the bounty, to give further evidence of the correctness thereof, and shall retain the paper in his hands until such further proof shall be made.

Commission-
er to lay
same before
board.

Sec. 6. If such commissioner shall have no doubt of the correctness of such certificate and affidavit, or if his doubts shall be removed by further proof, he shall lay such certificate and affidavit before the board at their next meeting. If the board shall be satisfied that such certificate and affidavit is just and correct, they shall award to the person to whom such certificate shall have been granted, the bounty above specified, and shall cause the certificate to be filed with their clerk.

Board award
bounty.

Duplicate
certificate.

Sec. 7. Duplicate certificates, stating all the bounties that shall have been allowed by the board at any meeting, shall be made under their direction, and after being certified by their chairman and clerk, shall be delivered to the county treasurer, who shall thereupon pay to the several persons named in such certificate, out of any moneys in the county treasury, the bounties to them respectively.

County trea-
surer to pay
bounty.

One half
bounties
charged to
state.

Sec. 8. The county treasurer shall charge to the treasurer of the state the one-half of all bounties allowed by the board of county commissioners of their respective counties, and shall transmit an account thereof to the auditor general, accompanied by one of the duplicate certificates received from the board of commissioners. The several county treasurers shall also procure and transmit with such account, a certified copy of the original certificates and affidavits filed with the clerk of the board

of commissioners, upon which the bounties mentioned in such account shall have been allowed.

Sec. 9. Every sum, upon any account not exceeding the one-half of the bounties allowed by the board of county commissioners from which the same shall have been transmitted, shall be paid out of the treasury of this state, to the treasurer of such county, upon the warrant of the auditor general. And paid to county treasurer.

Sec. 10. The boards of county commissioners of the several counties of this state, shall have power, at the expense of their respective counties, to award and allow such other and further bounties for the destruction of wolves and wolves' whelps, and such bounties for the destruction of panthers, as they may think proper, not exceeding five dollars for each grown wolf, and two dollars and a half for each whelp; the same proof shall be required in such case, as is hereinbefore prescribed, and such additional bounties, when duly allowed and certified, shall be paid out of the county treasury. Commissioners may allow further bounties.

Sec. 11. If any justice of the peace, or other officer, who shall be applied to for a certificate under this title, shall willfully give a false certificate in the premises, such justice or other officer shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, the fine not exceeding one thousand dollars, and the imprisonment not exceeding two years. Officer giving false certificate.

Approved Dec. 28, 1837.

[No. 5.]

AN ACT to authorize the sheriff or other officers of the county of Lenawee to use the jail built by the supervisors of said county in the village of Adrian.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the jail now constructed, or being constructed by the supervisors of the county of Lenawee, in the village of Adrian, may be used by the sheriff or other officers of said county, in every respect as the county jail.

Approved, Dec. 28, 1837.

[No. 6.]

AN ACT to provide for the safe keeping and management of the state library.

Governor and secretary to have care of.

Appoint librarian.

Members of legislature and state officers entitled to books.

No other person.

Librarian to report to legislature.

Certificate of librarian.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor and secretary of state shall have the care and custody of the state library, and have the power from time to time to appoint a librarian to superintend and take care of the library, and to prescribe such rules and regulations for the government of the library as they shall think proper.

Sec. 2. It shall be the duty of the governor and secretary of state, to provide in their regulations that any member of the senate and house of representatives, during the session of the legislature, or a state officer, shall be permitted, under proper restrictions, forfeitures and penalties, to take to his boarding-house or private room, any book belonging to the library, except such books as the governor and secretary shall determine are necessary always to be kept in the library as books of reference; but no member of the legislature shall be permitted to take or detain from the library more than three volumes at any one time, and for a longer period than ten days.

Sec. 3. The governor and secretary of state shall provide in their regulations, that no book, map, or other publication, shall be at any time taken out of the library by any other person than a member of the legislature or a state officer, for any purpose whatsoever; and that the librarian shall report to the senate and house of representatives, three days previous to their adjournment or termination of their session, the name of each and every member of the legislature who has not returned all books taken out of the library by him, and settled and paid all accounts for fines for injuring such books or otherwise.

Sec. 4. Before the president of the senate and speaker of the house of representatives, or secretary of either house, shall grant to any member a certificate of the time of his attendance, he shall be satisfied by the certificate of the librarian that such member has returned all books taken out of the library by him, and has settled all accounts for fines for injuring such books or otherwise.

LAWS OF MICHIGAN.

9.

Sec. 5. It shall be the duty of the governor and secretary of state, annually to report to the legislature the manner in which all moneys have been expended by them during the preceding year, together with a true and perfect catalogue of all the books, maps and charts, then remaining in the library. Governor and secretary to report to the legislature.

Sec. 6. The contingent expenses of the library, incurred for stationery, fire-wood, candles and the binding of the books purchased for, or deposited in, the library, shall be duly certified by the governor, and paid out of the treasury of the state. Contingent expenses.

Approved December 28, 1837.

[No. 7.]

AN ACT for the relief of John Goodrich.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the state be directed to pay, on the warrant of the auditor general, to John Goodrich twelve dollars; as a compensation for his services in transcribing and transporting the records of the circuit court of the county of Oakland, to the clerk's office of the supreme court in Detroit, in conformity with an act of the legislature, approved March 26, 1836. Treasurer to pay J. Goodrich twelve dollars for transporting records.

Approved, Dec. 28, 1837.

[No. 8.]

AN ACT to organize the counties of Eaton and Ottawa.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the county of Eaton be, and the same is hereby organized, and the inhabitants thereof entitled to all the rights and privileges to which, by law, the inhabitants of the other counties of this state are entitled. Eaton organized.

Sec. 2. That the county of Ottawa be, and the same is hereby organized, and the inhabitants thereof entitled to all the rights and privileges to which, by law, the inhabitants of the other counties are entitled. Ottawa.

Sec. 3. All suits, prosecutions and other matters now pending before any court, or before any justice of the peace of either of Suits pending.

the counties to which the said counties of Eaton and Ottawa are now attached, for judicial purposes, shall be prosecuted to final judgment and execution, and all taxes heretofore levied, shall be collected in the same manner as though this act had not passed.

Taxes levied.
Circuit court
of Eaton.

Sec. 4. The circuit court for the county of Eaton shall be held until suitable buildings are erected at the county seat, at such place as the county commissioners shall provide, on the first Thursday after the last Monday of May and November in each year.

Of Ottawa.

Sec. 5. The circuit court for the county of Ottawa, shall be held until suitable buildings are erected at the county seat, at such place as the county commissioners shall provide, on Thursday of the same week in which said court is held in the county of Kent.

County officers
elected.

Sec. 6. There shall be elected in each of the said counties of Eaton and Ottawa, on the second Monday of April next, all the several county officers to which, by law, the said counties are entitled, and whose term of office shall severally expire at the time the same would have expired had they been elected on the first Monday and next succeeding day of November, in the year eighteen hundred and thirty-six; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers.

County canvassers.

Sec. 7. In each of said counties, the board of county canvassers, under this act, shall consist of two of the presiding inspectors of said election from each township; and said board shall meet in their respective counties, on the Thursday next after said election, at the county seat, at one o'clock of said day, and organize, by the appointment of one of their number chairman, and another secretary of said board, and shall, thereupon, proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county officers.

Approved December 29, 1837.

[No. 9.]

AN ACT for the preservation of Railroads and other works belonging to the State.

Injuring or
destroying,
&c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That if any person or persons

shall willfully and maliciously burn, break, cut, throw down, or destroy the whole or any part of any water station, locomotive engine, stationary engine, engine-house or other building, machinery, rope, sheave, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, switch, turning platform, block, wall, bridge, culvert, drain or bank, belonging to any railroad constructed by the state, or stop up or obstruct any such railroad, or any engine, machinery, rope, sheave, switch, turning platform, culvert, drain, conduit pipe, water station or well, belonging to any railroad constructed as aforesaid, such person or persons shall, for every such offence, pay all the damages arising from such burning, breaking, cutting, throwing down, stopping, or destroying; and on conviction thereof, before any circuit court of this state, of the proper county, shall be sentenced to imprisonment, at hard labor, for any term not exceeding ten years, in the jail of the proper county, or in the penitentiary of the state, at the discretion of the court before whom the conviction may be had.

Sec. 2. If any person shall wantonly open or shut, or shall cause to be opened or shut, any part of a locomotive engine, stationary engine, switch, turning platform, or machinery, or shall put such engine, machinery or rope in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges into any part of the railroad, or into any engine, machinery, switch, turning platform, or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall or timber work, or any bridge or place made for crossing the railroad on any of the railroads constructed by the state, such person or persons shall, for every offence, forfeit any sum not exceeding five hundred dollars, and pay all damages consequent upon such offence, and be imprisoned in the jail of the county where such offence may be committed, upon the warrant of the court before whom a conviction shall be had, for a term not exceeding six calendar months.

Wantonly opening or shutting any part of engine, machinery, &c. or putting same in motion.

Or destroying crossing places.

Sec. 3. If any person shall willfully lead or drive, or cause to be led or driven, any horse, ox, ass or mule, hauling any stone or timber, or hauling any sled, sleigh, wagon, cart, dray, or any other carriage or thing whatsoever, (except railroad cars,) along or over any railroad belonging to the state, or over any bank, wall, side-way, turning platform or fixture thereof, except at a bridge or

Driving carriages, &c. on road.

Obstructing
it.

place constructed for crossing the railroad; or if any person shall willfully obstruct the perfect and free use of said railroad, by placing any timber, stone, earth, or any thing whatever on it, or on any sideway or fixture belonging to said railroad, such person shall forfeit for every such offence any sum not exceeding three hundred dollars, and pay all damages consequent upon such offence; and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding six months, at the discretion and upon the warrant of the court before whom such conviction shall be had.

Riding, lead-
ing or dri-
ving horses,
etc. on it.

Sec. 4. Every person who shall willfully ride, lead or drive any horse, ass or mule, or who shall willfully lead or drive any ox, sheep, swine, or other cattle upon any railroad constructed by the state, or upon any of the banks or sideways of such railroad, except for the purpose of hauling railroad cars thereon, or for the purpose of conveying articles to or from the sides of such railroad, to be transported thereon, or delivering at their place of destination, shall forfeit and pay for each offence, any fine not exceeding twenty-five dollars, and pay all damages consequent upon such offence, over and above the said forfeiture; and in case of default in the immediate payment of such forfeiture and damages, after conviction, such person shall be sentenced to imprisonment in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the discretion of the court before whom such conviction shall be had:

Provided.

Provided, That any supervisor or other agent having charge of any portion of the public works of the state, may allow persons wishing to view those works, permission to ride along the same.

No building,
crossing-
place, &c.
to be con-
structed on
ground set
apart for
road, with-
out consent
of commis-
sioners.

Sec. 5. No person shall construct any building, wharf, platform, switch, sideway, lateral railroad, or crossing place, or make and apply any device whatever on the ground set apart for, or belonging to, or forming part of any railroad constructed by the state, or on the banks or excavations thereof, without first obtaining permission therefor from the board of commissioners of internal improvement, or some one of them, in writing; and if any person shall offend against this section, by commencing or making any such construction, or apply such device without such permission, or shall not conform to the directions of said commissioners, or their authorized agents, having charge of such railroad,

in respect to the location and size of such building, wharf, platform, switch, sideway, lateral railroad, crossing place, or device as aforesaid, such person shall, for every such offence, forfeit a sum not exceeding one thousand dollars; and the said commissioners, or either of them, or any engineer, superintendent, supervisor, or other agent upon such railroad, shall be authorized at the expense of the person thus attempting, to remove and destroy every such building, wharf, platform, switch, sideway, lateral railroad, crossing place or device as aforesaid.

Sec. 6. The board of commissioners of internal improvement shall have power, from time to time, to make such rules and regulations, not inconsistent with the laws of this state, in respect to the form, size and structure of locomotive engines, tenders and cars on the railroads of the state, the weighing and inspection of engines, tenders, cars, and their lading, the collection of tolls, and in respect of all matters connected with the use and preservation of the railroads, and impose such fines and penalties for the breach of such rules and regulations as they may judge reasonable:

Power of board of commissioners to make rules and regulations.

Provided, That no fine or penalty so imposed shall, for a single offence, exceed the sum of twenty-five dollars.

Proviso.

Sec. 7. All penalties and forfeitures created by this act, or by the rules and regulations which may be established by the board of commissioners, in conformity with the sixth section of this act, the recovery of which is not herein otherwise specifically provided for, and where the penalty does not exceed one hundred dollars, may be sued for and recovered with costs before any justice of the peace, in any county where such penalty and forfeiture may accrue, in the name of the state; and any one of the said commissioners, or any engineer, superintendent, supervisor, collector, or other agent duly appointed by the commissioners, is hereby authorized to sue for and recover the same; or by summary conviction before such justice of the peace, who shall have power in all cases where, by this act, or by the rules and regulations of the commissioners, the penalties and forfeitures are made discretionary, to fix the amount thereof; and the amount of such penalties and forfeitures, when recovered, shall be paid into the treasury of the state: *Provided*, That whenever an offence is committed against the provisions in the second and fifth sections of this act, the commissioner, officer or agent who institutes the suit for the penalty or forfeiture for such offence, may

Penalties and forfeitures, how collected.

Who may sue for.

Proviso.

Appeal.

commence and prosecute the same before any justice of the peace of the proper county, for a sum not exceeding one hundred dollars: *And provided further*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition, to the next circuit court of the proper county, who shall take such order thereon as to them shall appear just and reasonable, and the same shall be conclusive.

Approved December 30, 1837.

[No. 10.]

AN ACT to organize certain townships.

Leslie.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Jackson, designated in the United States survey as township one north, of range one west, be, and the same hereby is set off and organized into a separate township by the name of Leslie, and the first township meeting therein shall be held at the house of Henry Fiske, in said township.

Climax.

Sec. 2. All that part of the county of Kalamazoo, designated in the United States survey as township three south, of range nine west, be, and the same is hereby, set off and organized into a separate township by the name of Climax, and the first township meeting therein shall be held at the House of Daniel B. Eldred, in said township.

Boston.

Sec. 3. All that part of the county of Ionia, designated in the United States survey, as township six north, of range eight west, be, and the same is hereby, set off and organized into a separate township, by the name of Boston, and the first township meeting therein shall be held at the house of Wooster English, in said township.

Springport.

Sec. 4. All that part of the county of Jackson, designated in the United States survey, as township one south, of range three west, be, and the same is hereby, set off and organized into a separate township, by the name of Springport, and the first township meeting therein shall be held at the House of Isaac B. Gates, in said township.

Sec. 5. All that part of the county of Livingston, designated ^{Brighton.} in the United States survey, as township two north, of range six east, be, and the same hereby is, set off and organized into a separate township, by the name of Brighton, and the first township meeting therein shall be held at the house of Daniel Lane, in said township.

Sec. 6. All that part of the county of Jackson, designated in ^{Pulaski.} the United States survey, as township four south, of range three west, be, and the same hereby is, set off and organized into a separate township, by the name of Pulaski, and the first township meeting therein shall be held at the house of John Wilber, in said township.

Sec. 7. All that portion of the county of Kent, lying north of ^{Walker.} Grand river, be, and the same is hereby, set off and organized into a separate township, by the name of Walker, and the first township meeting therein shall be held at the school-house, at the missionary station.

Sec. 8. The name of the village of Branchville, in the township of Athens, Calhoun county, is hereby changed, and it shall ^{Branchville changed to Athens.} hereafter be known by the name of Athens.

Sec. 9. All that part of the county of Lapeer, designated as ^{Richfield enlarged.} township nine north, of range eight east, shall be, and the same is hereby, attached to and made a part of the township of Richfield.

Sec. 10. All that portion of the county of Ottawa, lying south ^{Ottawa.} of the dividing line, between ranges eight and nine of townships north, be, and the same is hereby, set off and organized into a separate township, by the name of Ottawa, and the first township meeting therein shall be held at the house of Nathan Throop, in Grand Haven, in said township.

Sec. 11. All that part of the county of Ottawa, lying north of ^{Maskego.} the dividing line, between ranges eight and nine, of townships north, be, and the same is hereby, set off and organized into a separate township, by the name of Maskego, and the first township meeting therein shall be held at the house of Newell and Wilcox, in said township.

Sec. 12. This act shall take effect and be in force on and after ^{Act to take effect.} the first Monday of April next.

Approved December 30, 1837.

[No. 11.]

AN ACT for the relief of Robert Abbott and others.

Appropriated
to Robert
Abbott,
eighty dol-
lars.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the sum of eighty dollars be, and the same is hereby, appropriated to pay Robert Abbott, auditor general, for his extra services and incidental expenses from November, 1834, up to September, 1836. To Daniel Pittman, division inspector of the Michigan militia, for his services for inspecting the third division in the year 1836, the sum of seventy dollars. That there be paid to James Mulhollen, the sum of thirty-six dollars, for his services in going to Ohio and apprehending a person by the name of Brown, on the warrant of the governor of this state, the same to be paid out of any money in the treasury not otherwise appropriated.

To Daniel
Pittman,
seventy
dollars.

To James
Mulhollen
thirty-six
dollars.

Approved December 30, 1837.

[No. 12.]

AN ACT to incorporate the Port Sheldon and Grand Rapids Railroad Company.

Commis-
sioners.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas C. Sheldon, Thomas Fitzgerald, Theodore Romeyn, E. P. Deacon and Alexander H. Jaudon, be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Port Sheldon and Grand Rapids railroad company hereby incorporated, and they shall cause books to be opened at the town of Kent, Kent county, state of Michigan, for the space of three days, at such times as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in at least two newspapers printed in this state, of the times of taking subscriptions in said road.

Books
opened.

Notice.

Capital
stock.

Sec. 2. The capital stock of said company shall be two hundred and fifty thousand dollars, in shares of one hundred dollars each, and as soon as two hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their

successors and assigns, shall be, and they are hereby, created a body corporate and politic, by the name of the Port Sheldon and Grand Rapids railroad company, with perpetual succession, and by that name shall be capable in law of purchasing and holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further ; and in their corporate name may sue and be sued, and may have a common seal, which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said corporation hereby created shall have power to construct a railroad with a single or double track, from Pigeon lake, on Lake Michigan, to some point in the town of Kent, Kent county, state of Michigan, with the power to transport, take and carry property and persons upon the same, by the power and force of steam or animals, or of any mechanical or other power, or any combination of them.

Sec. 4. If said corporation shall not, within one year after the passage of this act, commence the construction of said road, and shall not within two and a half years from the passage of this act, construct, finish and put in operation ten miles in distance of said road, and shall not within four years complete and put in operation the whole of said railroad, or in the event of the failure of the company to construct the parts of said railroad, within either of the times specified above, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such parts of said road as shall not be finished within the periods limited by this act.

Sec. 5. That whenever two hundred shares of the capital stock shall have been subscribed, if within one year from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' notice of such meeting, in the manner prescribed in the first section of this act, and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company ; and said directors are empowered to

President. elect one of their number president, and on all occasions where
Votes. a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors chosen annually. Sec. 6. That to continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first Monday in October, at such place as may be appointed by the directors ; and if any vacancies should occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy
Vacancy. for the remainder of the year may be filled by the directors of said company, or a majority of them. The directors of said company shall hold their offices until a new election of president and directors. All elections which are by this act, or by the by-laws of the company, to be made on any particular day, if not made on such day, may be made at any time within sixty days thereafter, notice of such meeting being given in the manner prescribed in the preceding section.

Annual meeting. Sec. 7. That a general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors, and a meeting may be called at any time during the interval between said annual meetings, by the president and directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of meeting, in the manner hereinbefore prescribed ; and when any such meeting is called by the stockholders, the notice shall specify the particular object of such call, and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Special meeting.
Statement of affairs. Sec. 8. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general

meetings of the stockholders, a majority in value of the stockholders in said company may remove from office any president or any of the directors of said company, and elect others in their stead, provided notice of such intended removal has been given, as required by the seventh section.

Sec. 9. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office, to the best of his skill and judgment.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of business of the company, and remove them at pleasure; and the president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts of the company, also the manner and evidence of transfers of the stock of said company; and they shall have power to pass all by-laws of the company which they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided* such by-laws shall not be contrary to the constitution or laws of the United States, nor of this state.

Sec. 11. The president and directors of said company shall be, and they are hereby, invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair of said railroad, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom they may contract for making said road, or any part of it, may enter upon, use, and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or repairing of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road, or any of its works, for the occupation of the same: and if such materials (not previously taken or appropriated by the proprietor thereof to any particular use) as may be necessary for construction or

Justice of
peace.

Jurors.

Appraisal to
be filed with
county clerk
and confirm-
ed by court.

repair of said road or any of its works, be found on any unimproved land adjoining or near the same, and if the parties cannot agree, or if the owner or owners, or any of them, be a feme covert, under age, non compos mentis, or out of the county in which the property may be, application may be made to any justice of the peace in said county who shall thereupon issue his warrant directed to the sheriff of said county, or if the sheriff be interested to some disinterested person, requiring him to summon twelve freeholders in the county not in any way interested in the matter, or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from them each party, his, her or their agent or attorney, or if either be not present in person or by agent or attorney, the sheriff or summoner may strike for him, her or them three jurors, and the remaining shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company. And the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be sent to the clerk of the county, and be by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by said clerk at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above prescribed. Said inquisition shall describe the property taken, or the bounds of the land required by said company. Such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle the said company to the estate and interest in the same, when valued, as fully as if it had been conveyed by the owner or owners of the same for such term of time as said company shall occupy the same as a railroad. And if the valuation be not received when tendered, it may at any time

thereafter be received from the company without cost, and the sheriff or summoner and jurors shall be allowed the ordinary fees ^{Fees.} for like services, to be taxed by the court.

Sec. 13. Whenever, in the construction of said railroad, it shall ^{Cross roads.} be necessary to cross or intersect any established road, it shall be the duty of said president and directors so to construct the said railroad across such established road, as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road from one part of his land to ^{Wagon-} ^{ways.} another.

Sec. 14. If said company shall neglect to provide proper ^{Penalty of} wagonways across said road as required by this act, it shall be ^{neglect to} ^{make same.} lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

Sec. 15. If it shall be necessary for said railroad company, in ^{Use of other} the selection of the route or construction of the said road to be ^{roads and} ^{bridges.} by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or created by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of the corporate or any other rights and privileges of such corporation to the company hereby incorporated, and every other such corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state entrusted with the management and direction of such turnpike road, or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Purchase of
machinery.

Tolls.

Other com-
panies, &c.
may use
road.

Shares per-
sonal proper-
ty.

Reservation.

Dividends.

Injuring
road.

Sec. 16. The said president and directors shall have power to purchase with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages, or vehicles of any description which they may deem necessary or proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated, subject to be revised by the legislature of this state ; and it shall be lawful for any other company, or any other person or persons to transport any passengers, merchandise or property, of any description whatever, on said road, or any part thereof, by complying with the by-laws and regulations of said company, and paying in advance the rate of tolls established by the company, or as revised by the legislature ; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever ; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to the state, or any company now incorporated or hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part or parts of the state : *Provided*, That in forming such connexion no injury shall be done to the works of the company hereby incorporated. *Provided further*, That the said company or companies so connecting may have the free use of said road, by paying such a tariff of tolls as may be established by the legislature, and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter constructed.

Sec. 17. The president and directors shall annually or semi-annually declare and make such dividends as they may deem proper, of the net profits from the resources of said company, deducting the necessary current expenses, and they shall make the dividends among the stockholders of said company in proper proportions to their respective shares.

Sec. 18. If any person or persons shall willfully, knowingly

and maliciously remove a stake, or alter, deface or injure in any manner, any bench, stake, or other fixture set by any engineer, superintendent or other person in the employ of said company, or by any means whatever injure, impair, or destroy any part of the railroad constructed by said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them for every such offence, forfeit and pay to the said company, a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of such company by an action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to an indictment, and upon conviction of such offence, shall be punished by fine and imprisonment at the discretion of the court, provided the said imprisonment shall not exceed one year. The state shall have the right, at any time after the expiration of fifteen years from the completion of said railroad, to purchase and hold the same for the use of the state, at a price not exceeding the original cost of said road exclusive of repairs thereof, and fourteen per cent thereon, of which cost an accurate account shall be kept and submitted annually on the first Monday in January to the legislature, duly attested by oath of the officers of said company, and at such other times as the legislature shall require the same : *Provided, however,* if at the expiration of said fifteen years the said company shall have realized twelve per centum per annum upon the original cost of construction, and all other expenses, and upon the moneys expended in repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures at seven per centum on the cost aforesaid.

Right of
state to pur-
chase.

Reports to
the legisla-
ture.

Sec. 19. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of this state shall be received as evidence thereof.

Public act.

Sec. 20. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches three times per week a like distance

Transport
United States
mail.

upon the several post roads in this state : *Provided*, nothing here-in contained shall be construed to require any vehicles of the said company to wait at any office for the change of the mail.

State may
take stock.

Sec. 21. The state shall have the right of subscribing at any time within two years any number of shares in the capital stock of said company, not exceeding eight hundred. In such case the legislature shall, if requested by the stockholders, increase the number of shares and stock which said corporation may hold to the amount of the sum or sums which may be so subscribed.

Power to
alter or
amend.

Sec. 22. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each house.

Damages for
other im-
provements.

Sec. 23. Said railroad company shall never be entitled to any damages by reason of any similar improvement made by this state that shall or may render its stock less valuable.

Construction
of road.

Sec. 24. If the state shall hereafter establish a board of internal improvements, the said railroad shall be constructed under their direction so far as relates to the width of said road, and be so constructed as to conform to and accord with the roads that may be hereafter built by the state : *Provided, moreover*, That if this legislature shall not appoint said board, then this section shall be void.

Unlawful use
of funds.

Sec. 25. Nothing contained in this act, shall be construed to empower said company to carry on banking business, or to use or employ the funds or any part thereof, or permit the same to be used or employed, in the purchase of any bank stock, or any other stock, for any purpose, or in any manner whatsoever not authorized by this act.

Approved December 30, 1837.

[No. 13.]

AN ACT to amend an act entitled "An act to organize and regulate banking associations" and for other purposes.

Who may
establish a
bank.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person or persons, resident of this state, shall be desirous of establishing a bank, such person or persons shall be at liberty to meet without interruption, open books and subscribe to the capital stock of such bank.

Sec. 2. The capital stock of every bank so to be established shall not be less than fifty thousand dollars nor more than three hundred thousand dollars, and shall be divided into shares of fifty dollars each ; and no such bank shall commence operations until the whole amount of its capital stock shall be subscribed, nor until thirty per centum on each share thereof shall be paid in legal money of the United States.

Sec. 3. Whenever the capital stock of such association shall be subscribed, and thirty per cent on each share thereof shall be paid in, as herein provided for, it shall be the duty of any one of the persons so subscribing, who shall be thereunto required by a majority of such subscribers, to call a meeting of the subscribers at such time and place as they may appoint, and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect nine directors, a majority of whom shall be competent to manage the affairs of the association ; and said directors, who shall be stockholders and residing within the state, and at least five of whom shall be residents of the county wherein the business of such corporation shall be transacted, shall be empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy, which proxies shall always be stockholders. No person shall be a director of such association, unless he shall be the holder of at least five shares of such capital stock.

Sec. 4. All such persons as shall become stockholders of any such association, shall, on compliance with the provisions of this act, constitute a body corporate and politic, in fact and in name, and by such name as they shall designate and assume to themselves ; which name shall not be changed without the consent of the legislature ; and by such name they and their successors shall and may have continual succession, and shall in their corporate capacity be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and that they and their successors, by such name as they shall designate, adopt and assume as aforesaid, shall be in law capable of purchasing, holding

and conveying any estate, real or personal, for the use of said association.

Capital how
paid.

By whom
owned.

proviso.

Sec. 5. At least thirty per cent of the capital stock of such association shall be paid in specie before such association shall be permitted to commence operations, one-third part of such capital stock shall be owned, subscribed and continue to be held by residents of the county where such association shall transact business: *Provided*, That so much of this section as requires that one-third of the capital stock shall be owned in the county where such association shall transact business, shall not apply to the county of Chippewa.

Bonds and
mortgages to
be given for
redemption
of notes.

Who shall
examine pre-
mises to be
mortgaged.

Oath to be
taken.

Certificate of
approval.

Sec. 6. The stockholders of such banking association shall, before commencing operations, execute bonds and mortgages upon unincumbered real estate, within this state, which shall be estimated at its true cash value by the treasurer, clerk, associate judges, and sheriff aforesaid, or a majority of them, and be by them taken in the name of the auditor general of said state, for the use of said state, at a rate not exceeding its true cash value, exclusive of buildings thereon, to the full amount which such association shall be authorized to become indebted, at the time of rendering such securities, to be holden as collateral security for the final payment of all debts and liabilities of such association, and for the redemption of all its notes outstanding and in circulation, after the liabilities of the directors and of the stockholders, and the fund accrued in pursuance of the act to create a fund for the benefit of the creditors of certain moneyed corporations, shall have been found insufficient for the payment of the same; and the treasurer, clerk, associate judges and sheriff aforesaid, when required by any such association, and before the same shall go into operation, shall proceed to examine the real estate proposed to be mortgaged by way of security as aforesaid, and before entering upon the execution of such duty, each of such officers shall take and subscribe an oath, to be kept of record in the office of the county clerk, before some officer authorized to administer the same, that he is not, directly or indirectly, interested in, or the owner of such land, and is not interested in the stock of the bank about to be created, and that he is not an officer of, or interested in any other bank, and that he will well and truly, according to the best of his knowledge and belief, estimate the same according to its true cash value. If they shall be of opinion that the securi-

ties so tendered are ample and sufficient, according to the provisions of this act, and shall, upon actual examination, find that there exists upon such lands no prior mortgage or other incumbrances of record in the office of register of deeds or of the county clerk, and such register and clerk shall indorse on each mortgage tendered as security a certificate setting forth such fact, they shall make out a certificate of approval thereof, and deliver to such bank, and cause a copy thereof to be placed on file in the office of the county clerk, and shall immediately cause every such mortgage to be recorded in the office of the register of deeds, at the expense of such bank, and as soon thereafter as may be, cause the same to be forwarded to the auditor general, to be by him placed on file in his office: *Provided*, That any person who may render the securities herein required, in whole or in part, shall be released at his option from all liabilities upon such securities, by the auditor general, upon condition that the stockholders, who are hereby authorized and required to do so, shall give other equivalent securities, in the manner herein directed, and cause the same to be approved and lodged in the manner as hereinbefore directed. In case the said officers shall, from their interest in the stock of such bank, or in the lands proposed as security, be incapable of performing the duties hereinbefore designated, such duties shall be performed under the like regulations and restrictions by any justice or justices of the peace of the same county, amounting, in connexion with such of the before-mentioned officers as shall be qualified to act, to not less than three persons in number. The amount of compensation to every such officer, shall be a legal charge against such bank or its officers, and shall not exceed at the rate of two dollars per day to each for every day necessarily employed therein.

Mortgages to be recorded and delivered to auditor general.

Securities how changed.

When officers interested, who perform their duties.

Their compensation.

Sec. 7. Whenever the president, directors and stockholders of any such association, shall have complied with the requisitions of this act, they shall file in the office of the secretary of state a certificate, setting forth the name and location of such association, and the amount of its capital stock, and said secretary of state shall immediately thereafter give public notice thereof, by publication in one or more of the newspapers authorized to publish the laws of this state.

Certificate to be filed with secretary of state.

To be published.

Sec. 8. It shall be the duty of every banking association to cause to be posted and kept up, in some conspicuous part of its

Statement to be posted up in banking-house.

banking-house, a true statement of the names of all its officers, agents and stockholders, together with an accurate statement of the amount of stock owned by each stockholder respectively ; and such association shall file a true copy of such statement in the office of the county clerk of the county where such association exists.

Copy to be
filed.

When bank
commission-
ers to visit
bank.

Sec. 9. It shall be the duty of the bank commissioners to visit the banking-house of such association, as often as once in three months, and at all other times when requested by the governor or by any banking association in this state, created by the provisions of this act, or subject to the act to create a fund for the benefit of the creditors of certain moneyed corporations, and to institute such an examination into the affairs of such association as is required in the fifteenth section of an act to create a fund for the benefit of the creditors of certain moneyed corporations, approved March 28th, 1836.

May require
bank to re-
new or
change secu-
rities.

Sec. 10. It shall be the duty of the bank commissioners to require every such association to renew or change the securities required to be given by this act under the like restrictions and regulations, whenever the public safety may require it ; *Provided*, That the securities of every such banking association shall, at no time be less than the amount which such association shall be authorized at any such time to become indebted or to have outstanding or in circulation.

Instalments,
how and
when paid.

Sec. 11. In addition to the amount required to be paid in on the capital stock of such association, before commencing operations, at least ten per cent thereon shall be paid in specie at the expiration of each succeeding year thereafter, until the whole stock shall have been paid in, under the penalty of forfeiting to such association the amount of stock which each individual refusing or neglecting to pay such instalment may have already paid in, and the shares on which such payments shall have been made : *Provided*, That whenever any instalment is required to be paid in, the directors shall first give public notice thereof, and that no instalment shall be called in after such association shall commence operation, exceeding ten per cent at the expiration of each successive year, unless an earlier or additional call shall be authorized at some stated or special meeting, by a vote of the stockholders owning three-fourths of the capital stock.

Stock how
transferred.

Sec. 12. The shares of the capital stock of such association

shall be assignable according to the by-laws prescribed by such association; but no assignment shall be valid or effectual until such assignment or transfer be entered or registered in a book to be kept for that purpose; nor shall any stockholder be capable of assigning or transferring his or her stock in such association until all notes, dues and debts of whatsoever nature, due to such association from such stockholder, either as drawer or indorser of any note or otherwise, shall be first paid and discharged. It shall not be competent for such association to deal or trade in the stocks of moneyed or any other corporation, or to increase or reduce the capital stock thereof without the consent of the legislature.

Not to deal in stocks or increase or reduce capital.

Sec. 13. It shall not be lawful for any such banking association to issue or put in circulation as money at any time, an amount of bills or notes exceeding twice and a half the amount of its capital stock then paid in and actually possessed; nor shall its loans and discounts at any time exceed twice and a half the amount of its capital stock so paid in and possessed.

Circulation limited.

Loans and discounts.

Sec. 14. The stock, property, affairs, and concerns of such associations shall be managed and conducted by nine directors, who shall choose one of their own number president, and hold their offices for one year and until removed or others are chosen and qualified; and shall be elected on the first Tuesday of January annually, at the banking-house of such association; public notice shall be given thereof at least sixty days previous to the day of election; the election shall be held and made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and a plurality of votes shall be sufficient for a choice; and if it should happen at any election that two or more persons have an equal and the highest number of votes, then the directors in office at the time of such election, or a majority of them, shall proceed to ballot, and by a plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the number of nine. If any director shall cease to be a stockholder, his office shall be vacated; and whenever any vacancy shall happen among the directors, by death, resignation, or removal, such vacancy shall be filled for the remainder of the year in which the same shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Directors to hold office one year.

When elected.

Notice of election.

Two or more having an equal number of votes.

Director ceasing to be stockholder.

Vacancy, how filled.

Special election. Sec. 15. In case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been done, such association shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold an election for directors: *Provided*, Thirty days' previous notice shall be given of the time and place of meeting.

Duty of bank commissioner, before bank commences operation. Sec. 16. Before any banking association, hereafter to be established, shall commence operations, it shall be the duty of any bank commissioner, who shall be thereunto required by such bank, to visit the banking-house of such association, and examine into and ascertain whether the requirements of law have been strictly complied with; count the gold and silver that has been paid in, and satisfy himself that the same has been paid in good faith, and is the property of such banking association; and if he shall find no violation of law, and that the required amount of capital has been actually paid in, he shall give to such bank a certificate setting forth the fact, and also publish a copy of the same in the state paper, and also in a newspaper, if any there be published in the county where the bank is located. The directors, before they enter upon or execute any of the duties of their offices, except choosing a president, shall severally take and subscribe an oath, or affirmation, that they will once at least in every three months, unless absent from the state or prevented by sickness, examine fully into the condition and operations of said association, and write down in a book, to be kept by the bank for that purpose, a true statement of the condition and affairs of the bank at the time of the examination, (naming the time,) and subscribe under the same his or their own proper name or names, and faithfully report to the bank commissioner, or such other authority as may from time to time be prescribed by the legislature, whenever they shall discover any violation or abuse of the privilege granted to such association by this act; and that they will in all other respects diligently and honestly perform the duties of their respective offices; which report shall forthwith be communicated to the executive by said bank commissioner or other authority, and by the executive to the legislature if in session, and if not in session, at its next meeting; which said oaths or affirmations either of the directors is hereby authorized to administer to the president, and then the president shall administer the same

To give certificate.

Directors to take an oath.

to the other directors ; and every cashier, clerk, and servant of such association, before he enters upon the duties of his office, shall give bond, with two or more sureties to the satisfaction of the directors, conditioned for the faithful performance of his duties.

Cashier, &c.
to give bond
with sureties.

Sec. 17. The directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear proper and useful, touching the arrangement and disposition of the stock, property, estate and effects of said association, the duties and conduct of the officers, clerks, and others employed therein, and all such other matters as appertain to the business of a banking association ; and shall also have power to appoint so many officers, clerks and servants for carrying on said business, and with such salaries and allowances as to them shall seem meet.

Directors
may make
by-laws.

Sec. 18. No president or director shall be entitled to any emoluments for his services, unless the same shall have been allowed by the stockholders at a general meeting ; five directors shall constitute a board for the transaction of business, of which the president shall be one, except in case of necessary absence, when he shall, in writing, appoint one of the directors, or the directors present may appoint one of their number, to act as president pro tempore ; but for making ordinary discounts, not less than three directors shall constitute a board.

When president or director paid for services.

Five constitute board.

Sec. 19. A general meeting of the stockholders of any bank may be called whenever the directors, or a majority of them, shall judge proper ; of which meeting the directors shall give thirty days' notice as hereinbefore directed, which notice shall specify the object of such meeting ; and it shall and may be lawful for the stockholders of any banking association to be formed under this act, or of any bank heretofore incorporated by the legislature of this state, to remove any director or directors, a majority of all the votes being given thereupon at a meeting held for any purpose, and of which thirty days' previous notice has been given, and to elect others in their stead ; and it shall and may be lawful for persons holding one-fourth of the stock in any such association or bank, at any time, to call, in their own names, a general meeting of all the stockholders, by giving at least thirty days' notice thereof ; but the votes at any such meeting shall al-

Directors may call general meeting of stockholders.

Notice to be given.

Stockholders may remove directors.

May call general meeting.

ways be given according to the provisions of the act by which said association or corporation is created or authorized.

Monthly statement to be furnished bank commissioners.

Sec. 20. It shall be the duty of the directors, monthly, and whenever required by the legislature, to furnish the bank commissioner, or such other officer or officers as shall be prescribed by the legislature, a statement under oath or affirmation, of the condition of such banking association, stating the amount of deposits, the amount of bills in circulation, the amount of their indebtedness to other corporations, companies and individuals, the amount of debts due from the directors, the amount due from stockholders, the amount due from all other persons or corporations, (not, however, naming them,) the amount of specie in bank, the amount of bills of other banks, the amount of their deposits in other banks, the amount of their stock in companies, the amount of their real estate and other property not herein specified, the amount of capital actually paid in, and containing a true and faithful exhibit of the entire state of such bank ; which statement they shall also cause to be published in some newspaper within the state ; and the books, papers and vaults of such association shall be open at all times to the inspection of a committee, or commissioner or commissioners, to be appointed by the legislature.

To be published.

Books, &c. open to inspection of committee of legislature.

Amount of debts not to exceed three times capital paid in.

Sec. 21. The total amount of debts which such banking association shall at any time owe, exclusive of property deposited in the bank, shall not exceed three times the amount of capital stock actually paid in and possessed, and for all debts of such banking association, the directors thereof, if such association shall become insolvent, in the first place shall be liable in their individual capacity to the full amount which such insolvent association may be indebted ; and each other stockholder shall thereafter be also liable in like manner, in proportion to his or her amount of stock, for the payment of the full amount of the debts of such insolvent association ; and each stockholder shall be so liable respectively for one year after the time that he or she may transfer his or her stock in such association. Whenever any such association shall refuse to redeem its bills or notes, on presentation and demand, it shall be the duty of its cashier to record on the back of every note or bill so presented, the date of such refusal, and attach his name thereto in his official capacity.

When directors liable.

When stockholders.

Cashier's duty when bank refuses to redeem its bills.

What real estate bank may hold.

Sec. 22. The lands, tenements and hereditaments which it shall be lawful for any such association to hold, shall be such only

as shall be required for its accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; and such association shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandize, unless in selling the same when truly pledged by way of security for debts due such association, or purchasing them at sales on judgments which shall have been obtained for any debts previously contracted in the course of its dealings, and afterwards selling the same.

Not to trade in goods or merchandize.

Sec. 23. The bills obligatory and of credit under the seal of such association, or of any bank, which shall be made to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, his, her or their assignee or assignees, so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain action thereupon, in his, her or their own name or names : and bills or notes which may be issued by order of such association or bank, promising the payment to any person or persons, his, her or their order, or to bearer, though not under the seal of such association, shall be binding and obligatory upon the same in like manner, and with like force and effect as upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons ; and if such bills obligatory and of credit, and such notes and bills issued as aforesaid, are not paid when the same are due and demanded at the banking-house of such association, or if the same shall not be paid within sixty days next after the day on which the demand was made, and ten per cent costs and damages thereon, such association shall be dissolved.

Bills obligatory assignable.

Bills or notes not under seal.

If not paid when demanded, when association dissolved.

Sec. 24. The whole amount of loans or discounts made to the directors of such association, or to any individual, or upon paper upon which such directors or any of them, or any such individual, firm or company, shall be indorsers, shall not at any time exceed

Amount of discounts to directors, &c. limited.

one-sixth part of the amount which such association shall be entitled to issue.

Stock liable
for debts of
owner.

Sec. 25. The property of every individual member of such association, vested in such corporate funds, shall be liable in the same manner as other personal property is or may be liable by the laws of this state, to the payment of his or her just debts, to any of his or her creditors ; and when any execution or attach-

How taken
on execution
or attach-
ment.

ment shall be issued against the personal property of any such individual member, and the creditor is desirous that the same should be levied upon the property of such debtor in the said corporate funds, the officer to whom such execution or attachment may be directed, shall levy the same by leaving with the cashier of such bank an attested copy of such execution or attachment, and a written notice that the said execution or attachment is levied upon the property of said debtor in said corporate funds ; and such property thus levied upon, shall be sold in the same manner as is or shall by law be provided for the sale of personal property taken in execution or upon attachment ; and such corporate funds thus levied upon and sold, shall be transferred to the purchaser, by entering in the proper book of such association a copy of said execution or attachment, and a statement of the sale of such property by virtue thereof, which entry the officer serving such execution or attachment shall be permitted to make ; and upon any execution or attachment being levied

When so taken
and sold
how transferred.

in said bank, it shall be the duty of the cashier of said bank to expose the proper books of the association to the officer, and to furnish him a certificate under his hand and in his official capacity, stating the number of shares the debtor holds in said association, the incumbrances and amount of dividends thereon due.

Cashier to
furnish certificate to officer.

Per cent on
loans.

Sec. 26. Such association shall not take more than seven per centum per annum, in advance, on loans or discounts ; and the directors shall make semi-annual dividends on the first Tuesday of January and July in each year.

Semi-annual
dividends.

No note less
than one dollar.

Sec. 27. No note or bill shall be issued by such association, of a less denomination than one dollar.

One-half of
one per cent
on capital
paid in to be
paid to treasurer.

Sec. 28. Every such association shall pay to the treasurer of the state, for the use of the state, one-half of one per centum on the amount of the capital stock paid in, in semi-annual payments, on the third Monday of January and third Monday of July in each and every year ; and shall be subject to the provisions of

this act and the act to create a fund for the benefit of the creditors of certain moneyed corporations, and to such alterations of said acts as shall from time to time be made by the legislature : *Provided*, That no money shall be drawn from said fund, until the funds and liabilities of the directors and stockholders of any such association shall fail and prove insufficient to pay all debts due and owing by the same.

Subject to safety fund act.

Sec. 29. Every director or officer in any such banking association, who is required under oath or affirmation, to perform certain duties under this act, and who shall willfully or negligently fail to perform those duties, or shall make false statements or false entries in the books of such association, or shall exhibit false papers with intent to deceive, shall be guilty of felony, and be subject to imprisonment in the state prison for a term not less than two years.

When director or other officer guilty of felony and subject to imprisonment.

Sec. 30. Every court of competent jurisdiction, shall be required to punish according to the nature of the offence, upon conviction thereof, every president, director, or other officer or agent of any bank, for any violation of the provisions of law binding on such bank ; which punishment shall be inflicted by fine or imprisonment, or both, as the court may direct.

When and how punished.

Sec. 31. This act shall be favorably construed, and received in all courts of justice as a public act ; and copies thereof printed under the authority of the legislature, shall be received in evidence without further proof.

Act to be favorably construed.

Sec. 32. Every association incorporated under the provisions of this act, shall continue until the fourth day of March, one thousand eight hundred and fifty-seven.

How long associations to continue.

Sec. 33. The legislature shall at any time have power to alter or amend this act, and to dissolve any association incorporated under its provisions, by a vote of two-thirds of each house.

Legislature may amend act or dissolve association.

Sec. 34. No such association shall be allowed to remove its banking-house from the place in which it shall be first established, without the consent of the legislature.

Banking-house not to be removed.

Sec. 35. The thirty-eight section of the act, to which this is amendatory, be and the same is hereby repealed.

Part of act repealed.

Sec. 36. All banking associations incorporated under the act to which this act is an amendment, shall, within ninety days from the passage of this act, give the security required by the sixth section of this act, and shall in all other respects be subject to and governed by the provisions of this act.

What banks to give the security required by 6 sec., and when.

Number of
bank com-
missioners,
and how ap-
pointed.

Sec. 37. There shall be three persons, to be styled the bank commissioners of the state of Michigan, who shall be appointed by the governor, by and with the advice and consent of the senate, and the said commissioners shall hold their offices for two years, and until their successors are elected and qualified, but shall be removable by the governor at any time for misconduct or neglect of duty. They shall severally receive annually, twelve hundred and fifty dollars each, payable quarter-yearly out of the bank fund.

Their salary.

Their oath,
before whom
taken and
where filed.

Sec. 38. Before said commissioners shall enter upon the execution of the duties of their office, they shall severally take the constitutional oath of office, and a further oath of office that they are not directly or indirectly interested in the stock of any bank within the state, before the secretary of state or some one of the circuit judges, and within ten days thereafter shall cause such oath, certified by the officer before whom it was taken, to be filed in the office of the secretary of state.

Their duty
relative to
indorsing
bills.

Sec. 39. It shall be the duty of such commissioners, or any one of them, living nearest to such bank, when thereunto requested by any banking association, to visit the banking house of such bank, and to indorse his name, in his official capacity, upon the back of every bill or note which such bank shall be authorized to issue or have in circulation, and to keep a fair record thereof, in a book to be by him kept for that purpose, which book shall be transferred, at the expiration of his term of service, to his successor in office.

To examine
vaults, &c.,
and admin-
ister oath to
directors.

Sec. 40. Before any such commissioner shall proceed to indorse any bill or note, as hereinbefore directed, he shall first examine the vault of such bank, and ascertain the amount of specie then on hand, and administer to each of the directors of such bank, or a majority of them, the following oath: "You, do solemnly and sincerely swear, [or affirm,] that [naming the sum] dollars is this day possessed in specie by the bank of _____, is the property of said bank, and that the same has been paid in by the stockholders thereof, towards the payment of their respective shares, or that the same has been received by said bank in its legitimate business, and not for any other purposes; and that it is intended therein to remain a part or whole of said capital; so help you God."

Sec. 41. No bill or note shall hereafter be issued by any bank- No note to be issued unless first indorsed.
ing association, unless the same shall be first indorsed upon the
back thereof, by some bank commissioner.

Sec. 42. The act entitled "An act relative to banking institu- Act repealed.
tions," approved April 23d, 1833, be and the same is hereby
repealed.

Sec. 43. This act shall take effect and be in force, from and When act to take effect.
after the tenth day of January next.

Approved December 30, 1837.

[No. 14.]

An act making appropriations at the adjourned
session of the legislature held and convened on
Thursday, the ninth day of November, 1837.

Sec. 1. *Be it enacted by the Senate and House of Representa-*
tives of the State of Michigan, That a sum not exceeding thir- Members and officers of legislature.
teen thousand seven hundred and fifty dollars, shall be and the
same is hereby appropriated for the pay of officers and members
of the senate and house of representatives.

Sec. 2. The officers and members of the senate and house of How paid.
representatives, shall be paid by the fiscal agent of the legislature,
in the same manner as directed by the act entitled "An act mak-
ing appropriations in part for the year eighteen hundred and thirty-
seven, for the pay of officers and members of the legislature,"
approved 22d March, 1837, and of the act therein referred to:
Provided, That the sergeant-at-arms, door-keeper, enrolling and Per diem pay of officers.
engrossing clerks of the senate and house of representatives, shall
each be allowed three dollars per diem, during their attendance.

There shall be paid to John S. Bagg, state printer, seven thou- J. S. Bagg.
sand five hundred and forty-six dollars and forty cents, for printing
and binding the laws and journals of eighteen hundred and thirty-
seven, and for printing the copies of the bills prepared by the
reviser of the laws, and for printing bills, documents and daily
journals, for the members of both houses of the legislature.

To Sheldon McKnight, three hundred and twenty-four dollars S. M'Knight.
and eighty-seven cents, for disbursements made for postage for
the transmission of laws and sundry other documents, to various
parts of the state by mail.

- J. Norton jr.** To John Norton junior, five hundred and fifty-seven dollars and ninety-four cents, for moneys disbursed for fire-wood and candles for capitol, and for arrearages due on same, including the payment of carpenters' work, glazing and other repairs, cleaning and fitting up the same ; which also includes the sum of two hundred and sixty-eight dollars and thirty-six cents, to defray the expenses attending the investigation in the matter of judge Morell, before the house of representatives.
- J. Norton jr.** To John Norton junior, for services as fiscal agent of the legislature, one hundred dollars.
- M. Paulding.** To Morrison Paulding, thirty dollars and seventy-five cents, for fitting up stoves, furnishing pipes and cleaning same.
- C. Coggeshall & Co.** To C. Coggeshall & Co., one dollar and twenty-five cents, for stationery.
- G. L. Whitney.** To George L. Whitney, nine dollars and seventy-five cents, for furnishing newspapers, including balance due and papers furnished house of representatives at the present session.
- J. Mansell.** To James Mansell, ninety-four dollars, for painting library room by resolution of the house of representatives.
- Lieut. Governor.** To the lieutenant governor of this state, six hundred and sixty-six dollars, for his services, while acting governor at different periods up to this time.
- H. N. Strong.** To H. Norton Strong, six dollars, due for writing at last session, including a copy of the appropriation bill.
- Chase and Ballard.** To Chase and Ballard, four dollars and thirty-eight cents, for an axe, and arrearages on stoves.
- Reporter.** To the reporter of the senate, three dollars per diem, during his attendance.
- C. C. Jackson.** To C. C. Jackson, for his services in full, as librarian, up to the close of the present year, fifty dollars.
- L. Bond.** To Lewis Bond, two dollars and twenty-five cents per day, during his attendance on the library.
- Bagg, Barns & Co.** To Bagg, Barns & Co., eight hundred and fifty-seven dollars and fifty-nine cents, the amount of their bill for stationery furnished both houses of the legislature, including the offices of the secretary of state, treasurer, attorney general, superintendent of public instruction, bank commissioner, and reviser of the laws.
- J. Clark.** To Jeremiah Clark, two hundred and seventeen dollars and eighty-three cents, and to Samuel Forsyth, six dollars and twenty-five cents, for bread furnished the militia of this state, who were

ordered out by the executive in eighteen hundred and thirty-five, in support of the supremacy of the laws.

To Kingsbury and Dally, for newspapers furnished members of both houses, one hundred and seventy-six dollars and twenty-five cents. Kingsbury and Dally.

To Marsh and Chittenden, nineteen dollars and five cents, for repairing stoves in senate chamber, and coal furnished in governor's room. Marsh and Chittenden.

To John J. Adam, one hundred and fifty dollars, to prepare and superintend the publication of the senate journals of the present session, and to make an index to the same, to be paid when the same shall have been completed, on the certificate of the secretary of state certifying the fact ; also the sum of twelve dollars, for furnishing copies of the daily journals to the printer ; and the sum of twelve dollars, for recording and superintending the publication of the executive journal of the present session. J. J. Adam.

To Franklin Cowdery, thirty-five dollars, for extra services for completing the record of the journals of the senate. F. Cowdery.

For enrolling revised statutes for the senate, to Thomas Hunt, thirty dollars ; to Thomas Clark, ninety dollars ; to Gideon Paull, thirty dollars ; to William W. Dalee, eight dollars ; to Joseph Coats, six dollars. T. Hunt.
T. Clark.
G. Paull.
W. W. Dalee.
J. Coats.

To Anthony Ten Eyck, one hundred and fifty dollars, to prepare and superintend the publication of the journals of the house of representatives of the present session, and to make an index to the same, to be paid when the same shall have been completed, on the certificate of the secretary of state certifying the fact ; also the sum of twelve dollars, for furnishing copies of the daily journals to the printer. A. Ten Eyck.

To Albert Chandler, the sum of forty-two dollars, for extra services for recording the journals of the house of representatives, to be paid when the same shall have been completed, on the certificate of the clerk of the house certifying the fact. A. Chandler.

There shall be paid to the following persons for their services in attendance on the committee of investigation in the case of George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit ; to Darius C. Jackson, for his services and expenses in traveling in subpoenaing witnesses, sixteen dollars ; to T. J. Drake, for his services as counsel, forty dollars ; to George R. Griswold, for his services as clerk of com- D. C. Jackson.
T. J. Drake.
G. R. Griswold.

- mittee, one hundred and fifty dollars ; there shall be paid to the witnesses in attendance on said committee, such fees as are allowed by law in the circuit court.
- L. Bond.** To Lewis Bond, for cash paid on account of state library, two dollars.
- J. P. C. Emmons.** To Jed P. C. Emmons, for services as assistant clerk, the sum of three dollars per day, during the time of his attendance.
- A. Chandler.** To Albert Chandler, for bringing up the journals of the June session of the legislature, five dollars.
- O. Marsh.** To O. Marsh, for thirty-four days' service in the library, one hundred and two dollars.
- E. Ely.** To Elisha Ely, the sum of forty-five dollars, forty-five cents, balance due for services on committee of investigation.
- T. Potts.** To Theodore Potts, one hundred and seven dollars, for enrolling and engrossing [at] the present session.
- R. Andrews.** To Robert Andrews, six dollars, for services in enrolling at the present session.
- A. Ten Eyck.** To Anthony Ten Eyck, fifteen dollars, for services in enrolling at the present session.
- J. Berry.** To John Berry, thirty-nine dollars, for services in enrolling at the present session.
- J. P. C. Emmons.** To J. P. C. Emmons, fifteen dollars, for services in enrolling at the present session.
- C. B. Harrington.** To C. B. Harrington, thirty dollars, for services in enrolling at the present session.
- W. Smyth.** To Wyllys Smyth, eight dollars, for services as enrolling clerk.
- P. Davis.** To Phineas Davis, the sum of two hundred dollars, for a frame, for the portrait presented to the state by sundry citizens of Michigan.
- E. E. Clark.** To Edwin E. Clark, for services as clerk to the commissioner to revise the laws, for the period of nine months, the sum of seven hundred and fifty dollars.
- G. Sedgwick.** To George Sedgwick, sixty-five dollars, for services as sub-clerk to the commissioner for revising the laws.
- O. D. Richardson.** To O. D. Richardson, twenty-five dollars, for one week's service as clerk to the commissioner for revising the laws.
- G. Combs.** To George Combs, one hundred and seventy-five dollars, for his services and attendance, twenty-five weeks at the capitol, during the vacation and up to this time.

To E. P. Gardiner, five dollars, for printing sundry publications E. P. Gardiner.
relative to the location of state prison, &c.

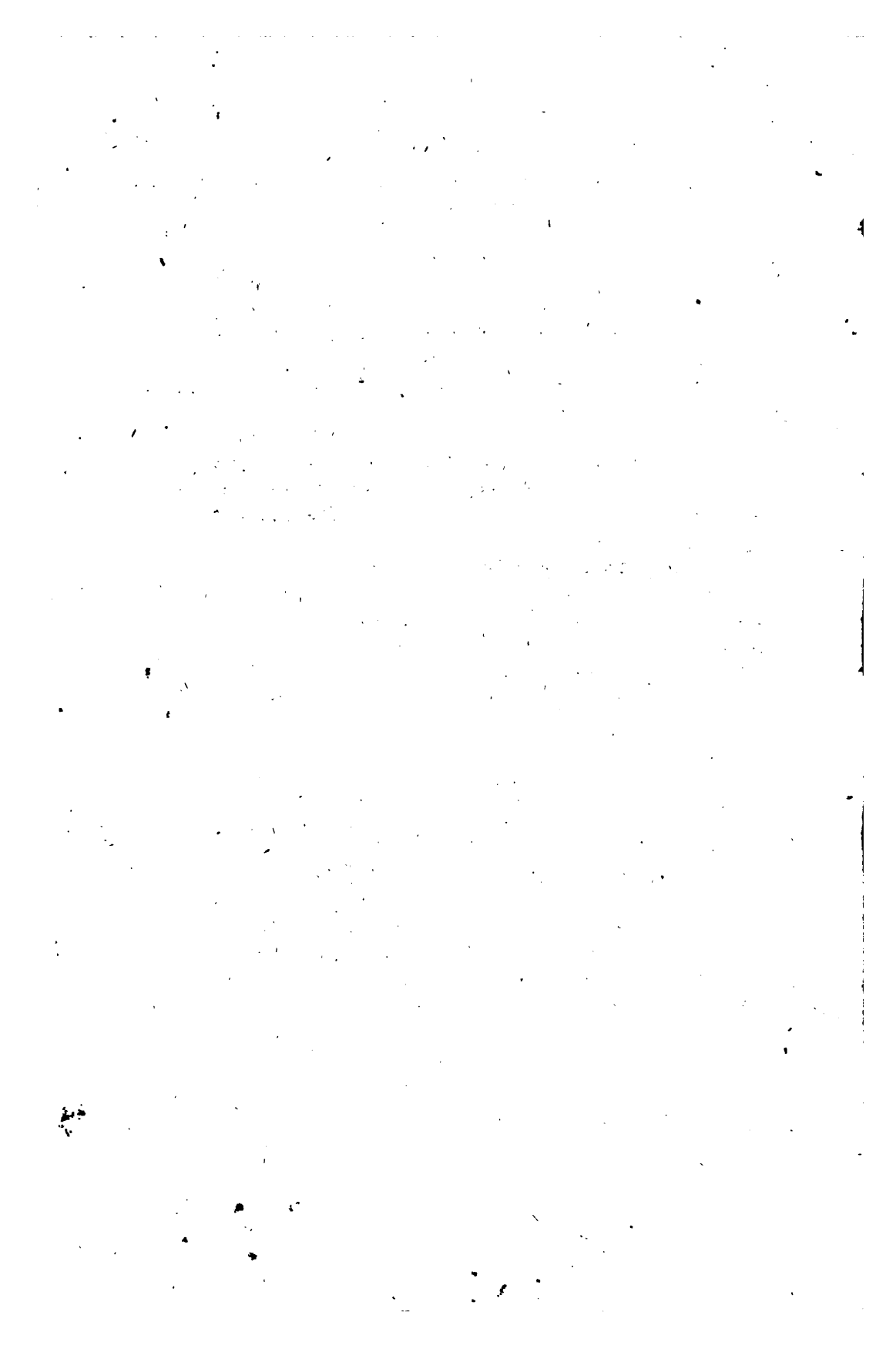
To Gideon Paull, in trust for William Hill, five dollars, for G. Paull.
plastering and securing stove-pipes.

To John D. Pierce, two hundred and one dollars, disburse- J. D. Pierce.
ments made by him as superintendent of public instruction, for
extra expenses attending the duties of his office, including the
payment of postage.

To Morse and Brother, fifty-six dollars and five cents, for sta- Morse and
tionery furnished the executive, secretary of state and treasurer's Brother.
office.

Sec. 3. The fiscal agent of the legislature shall be and he is Fiscal Agent.
hereby authorized, to receive from the treasurer of the state, such
sum of money out of the treasury as is sufficient to satisfy the
demands in this act provided for.

Approved, December 30, 1837.



RESOLUTIONS:

[No. 1.]

A RESOLUTION authorizing the sale of certain railroad iron, by the commissioners of internal improvement.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioners of the board of internal improvement, be and they are hereby authorized, to sell to the Detroit and Pontiac railroad company, a quantity of railroad iron, sufficient to lay eight miles of said road: *Provided,* The said board are of opinion it can be done without loss or damage to the state.

Approved, December 14, 1837.

[No. 2.]

A RESOLUTION to authorize the board of internal improvement to sell a locomotive engine.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and they are hereby authorized, if they deem it expedient, to sell to the Detroit and Pontiac railroad company one of the locomotive engines belonging to the state.

Approved, December 19, 1837.

[No. 3.]

A RESOLUTION relative to the numbering of the chapters of the revised statutes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the commissioners to be appointed by

LAWS OF MICHIGAN.

the governor to superintend the publication of the revised laws, are hereby authorized and required to number the chapters of the revised laws, in progressive numbers, commencing with each title, and to arrange them under the appropriate parts and titles, and to insert the proper references, when reference shall have been made in one chapter to another, in the revised laws.

Approved, December 30, 1837.

[No. 4.]

A RESOLUTION to authorize the treasurer of this state to loan a certain sum of money.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the treasurer of this state be and he is hereby authorized, to loan upon the credit of this state a sum not to exceed forty thousand dollars, at an interest not exceeding six per cent per annum, from the time such money, or any part thereof, may have been loaned, to make good any deficiency that may be in the treasury, on the 31st day of December, instant.

Approved, December 28, 1827.

[No. 5.]

JOINT RESOLUTION relative to the publication and distribution of the revised code.

Commissioners to be appointed, and their duty.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized and required, to appoint two commissioners to superintend the publication of the revised laws of this state, whose duty it shall be personally to superintend the publication, examine the proof sheets, compare the same with the original acts in the office of the secretary of state, prepare marginal notes to the sections, and an exact and copious index to the whole.

Number to be printed, &c.

Resolved, That seven thousand copies of the revised statutes be printed and published, with the constitution of the United States, and the amendments thereto; the ordinance of 1787; the acts of congress providing for the admission of, and admitting Michigan into the union, and the constitution of this state, with the annexed schedule prefixed thereto, by the state printer, under the direction of the commissioners aforesaid; and it shall be their duty, to have

LAWS OF MICHIGAN.

45

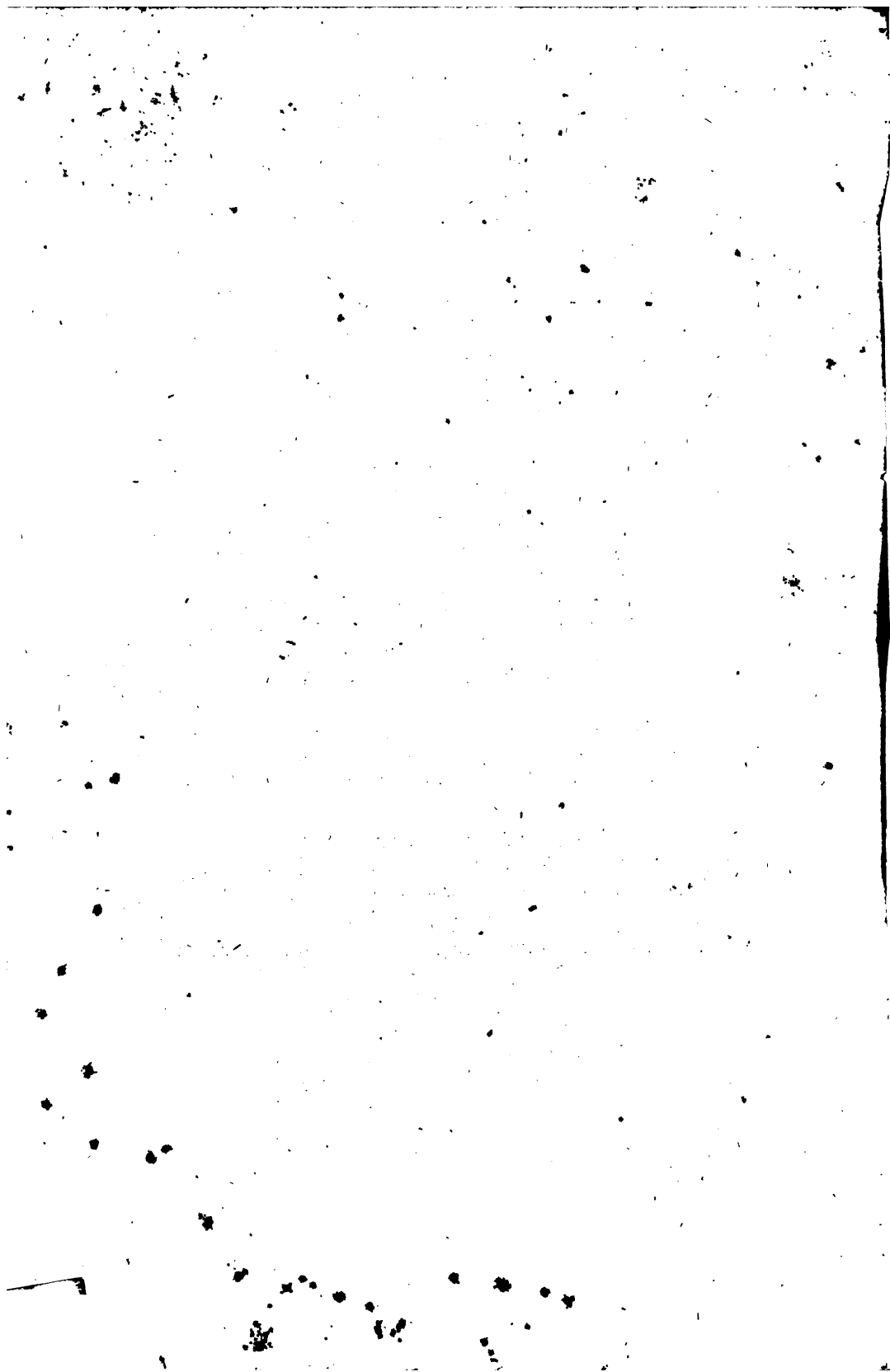
the same completed and deposited in the office of the secretary of state, ready for distribution, on or before the first day of July next. ^{When completed.}

Resolved, That it shall be the duty of the secretary of state, in distributing the revised laws, to take receipts for every copy that shall go out of his hands, and report annually to the legislature the number of copies distributed, and to whom, and the number on hand in his office. ^{Secretary to distribute.}

Approved, December 30, 1837.



ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN;
PASSED AT THE REGULAR SESSION OF
1838.



LAWS OF MICHIGAN.

[No. 1.]

AN ACT to enable the president of the board of trustees of the Kalamazoo literary institute, to sell and convey real estate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the president of the board of trustees of the Kalamazoo literary institute be and he is hereby authorized and empowered, to sell and convey by proper deeds and assurances, such parts or portions of the lands and real estate belonging to said institute, and for such considerations, and on such terms and conditions as the trustees of said institute or a majority of them, at any meeting regularly called, may direct to be sold and conveyed : *Provided* such terms and conditions be not inconsistent with the provisions of an act entitled "An act to incorporate the Michigan and Huron institute," and the act to amend the same, approved March 21st, A. D 1837.

Sec. 2. That before the said president shall sell and convey any such lands or real estate, he shall execute to the said trustees and their successors in office, a bond with such surety or sureties as shall be deemed sufficient by said trustees, or a majority of them, for the faithful application of the moneys or proceeds of such sale or sales, according to the provisions of an act entitled "An act to amend an act entitled An act to incorporate the Michigan and Huron institute," approved on the 21st day of March, A. D. 1837, and according to the by-laws or regulations of said institute.

Repeal.

Sec. 3. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved, January 29, 1838.

[No. 2.]

AN ACT to amend the fifteenth section of an act entitled "An act appointing commissioners to lay out and establish certain state roads."

Commission-
ers of state
road.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Pierce Barber, of Kalamazoo, Friend Ives, of Plainfield, and David E. Deming of Cooper, be and they are hereby appointed commissioners, to lay out and establish the state road named in section fifteen of an act approved March seventeenth, eighteen hundred and thirty-seven, from the town of Kalamazoo to the Grand Rapids, in the county of Kent.

Repeal.

Sec. 2. So much of the above named section fifteen, as is inconsistent with the first section of this amendment, is hereby repealed.

Approved, January 29, 1838.

[No. 3.]

AN ACT authorizing the commissioners of highways of the township of Hamtramck, to loan a certain sum of money.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the commissioners of highways of the township of Hamtramck, in the county of Wayne, be and they are hereby authorized and empowered, on the credit of the said township, to negotiate a loan to defray the expense of building a bridge over Fox creek ; also to defray the expense of extending Jefferson avenue, not exceeding the sum of six hundred dollars, at an interest not exceeding seven per cent per annum, and for a term not exceeding six years.

Approved, January 29, 1838.

[No. 4.]

AN ACT to change the name of James Roughan to James Rowan.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the name of James Roughan, be and the same is hereby changed to that of James Rowan, and by that name he shall be known and designated, from and after the passage of this act.

Approved, February 2, 1838.

[No. 5.]

AN ACT to provide for the extension of the limit provided by law for the collection of taxes in the county of Monroe.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for collecting the state, county and other public taxes within the county of Monroe, for the present year, and for paying over the same, be extended to the twenty-eighth day of February instant: *Provided* the collectors thereof, do forthwith, after the passing of this act, pay over or cause to be paid over, so much and such parts of said taxes as they may have collected, to the proper persons to whom he is by law required to pay the same; and immediately after the passing of this act, he enter into additional and other bond, with sufficient surety, to be approved of and accepted by the proper authority or authorities, conditioned as in other cases of bonds given by collectors, except that the limit in said condition of said additional bond mentioned and defined for the collection and payment over thereof by the said collectors, shall be extended as aforesaid, until the twenty-eighth day of February instant; but nothing in this act contained shall be construed as to absolve the said collectors, their surety and sureties, from their liability upon the bond by them (with such surety) heretofore entered into and delivered, unless such bonds, with surety to be approved of as aforesaid, be entered into and given; and nothing herein contained shall be so construed, if said additional bond with surety be given as aforesaid, as to absolve collectors and their surety or sureties from the obligations by the said original bond imposed, so far

as regards the sum or sums actually, at the time of passing hereof, collected by said collectors as in part of said tax or taxes.

Satisfactory
surety being
given, treas-
urer to in-
dorse war-
rant.

Sec. 2. *And be it further enacted*, That in the event that additional bonds with surety satisfactory to the proper authorities, and in conformity with the provisions herein contained, shall be duly executed and filed as aforesaid, then and in that case the treasurer of the county of Monroe shall, upon the demand of any of the collectors of said county, subjoin to the warrant to the tax roll attached, or indorse thereon his name and character of office; whereupon the same warrant or warrants shall have all the same validity and force in the law to authorize and direct the collection and payment of the said taxes, then as aforesaid remaining uncollected on or before the said twenty-eighth day of February, eighteen hundred and thirty-eight, as the same warrant had or could have if this act had not been passed, to collect said taxes, and return and pay over the same to the proper authorities, on or before the first day of February, according to existing provisions of law.

Approved, February 8, 1838.

[No. 6.]

AN ACT to provide for the disposition of prisoners apprehended within the county of Livingston.

To be im-
prisoned in
Washtenaw
jail.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person, charged with the commission of any offence, or who may have been sentenced to suffer imprisonment upon conviction, shall be in custody of any proper officer of the county of Livingston, such officer shall forthwith convey the person or persons in his custody as aforesaid to the sheriff or keeper of the Washtenaw county jail.

Sheriff to re-
ceive him
and liable
or neglects.

Sec. 2. That it shall be the duty of the sheriff or keeper of the prison of the said county of Washtenaw, on being presented with a copy of the process or commitment of such prisoner, to receive such prisoner into his custody; and he shall be liable for any neglect of duty in relation to such prisoner or prisoners as in other cases, and shall be paid the fees and other expenses allowed by law out of the treasury of the county of Livingston aforesaid.

Sec. 3. That whenever any person, charged with the commission of any offence, shall have been received for safe keeping as aforesaid, such person shall be delivered to the sheriff or other proper officer of the county of Livingston: *Provided* such officer shall present to the sheriff or keeper of the prison an order from the court before whom such prisoner is to be tried, requesting such delivery.

When delivered to sheriff of Livingston.

Sec. 4. This act shall remain in force for the space of one year from and after its passage.

Limitation of act.

Approved, February 8, 1838.

[No. 7.]

AN ACT for the relief of James Cicotte, collector of the public taxes, and for extending the time for collecting and paying over the public taxes within the city of Detroit, for the current fiscal year.

Whereas, it has been represented to the legislature of the State of Michigan, that James Cicotte, of the city of Detroit, has been duly appointed collector of the state, county and other taxes within the city of Detroit, of and for the present fiscal year; and whereas, it has been further represented that the said James entered into and gave the bonds required by law, and otherwise became qualified as such collector, and commenced the collection of said taxes; but that before he did or could collect and pay over the whole thereof, according to law, he was attacked by a violent and dangerous sickness, from which he has not yet fully recovered, and by consequence thereof, is in great danger of incurring a forfeiture of his bond, from inability to collect and pay over the whole of said taxes, on or before the first day of February instant: therefore,

Preamble.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for collecting the state, county and other public taxes within the city of Detroit, for the present fiscal year, and for paying over the same, be extended until the twenty-eighth day of February instant: *Provided* the collector thereof, the said James Cicotte, do forthwith, after the passing of this act, pay over or cause to be paid over, so much and such parts of said taxes, as he may have collected, to the proper persons to whom he is by law required to pay the

Time extended.

Proviso.

same; and provided also, that immediately after the passing of this act, he enter into additional and other bond, with sufficient surety, to be approved of and accepted by the proper authority or authorities, conditioned as in other cases of bonds given by collectors, except that the time in said condition of said additional bond mentioned and defined for the collection and payment over thereof by said James, shall be extended, as aforesaid, until the twenty-eighth day of February instant; but nothing in this act contained, shall be so construed as to absolve the said James and his surety and sureties, from his and their liability upon the bond by him (with such surety) heretofore entered into and delivered unless such additional bond, with surety to be approved of as aforesaid, be entered into and given; and nothing herein contained shall be so construed, if said additional bond with surety be given, as aforesaid, as to absolve said James and his surety or sureties from the obligations by the said original bond imposed, so far as regards the sum or sums actually, at the time of the passing thereof, collected by said James, as in part of said tax or taxes.

Satisfactory
surety being
given, treas-
urer to in-
dorse war-
rant.

Sec. 2. *And be it further enacted*, That in the event that additional bond, with surety satisfactory to the proper authorities and in conformity with the provisions herein contained, shall be duly executed and filed, as aforesaid, then and in that case the treasurer of the county of Wayne shall, upon the demand of said collector, subjoin to the warrant to the tax roll attached, or indorse thereon, his name and character of office, whereupon the same warrant shall have all the same validity and force in the law, to authorize and direct the collection and payment over of said taxes, then as aforesaid remaining uncollected, on or before the said twenty-eighth day of February, eighteen hundred and thirty-eight, as the same warrant has or could have, if this act had not been passed, to collect said taxes and return and pay over the same to the proper authorities on or before the first day of February, according to existing provisions of law.

Approved, February 8, 1838.

[No. 8.]

AN ACT to amend an act entitled "An act appointing commissioners to lay out and establish certain state roads," approved March 17, 1837.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That Harvey Cooley be and he is hereby appointed a commissioner, in the place of Cephas A. Smith, resigned, to lay out and establish a certain state road, as described in the thirty-third section of the act to which this is amendatory.

New commissioner appointed.

Approved, February 8, 1838.

[No. 9.]

AN ACT for the destruction of wolves.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That every person being an inhabitant of this state, as well indians living within this state, as others, who shall kill a full grown wolf, or wolf's whelp under the age of three months, in any organized township within the peninsula of this state, shall be entitled to a bounty of eight dollars for each full grown wolf, and four dollars for each wolf's whelp under the age of three months, to be allowed and paid in the manner hereinafter provided.

Bounty for killing wolves, who entitled to.

Sec. 2. Every person intending to apply for such bounty, shall take such wolf or wolf's whelp killed by him, or the head thereof with the ears and skin entire thereon, to one of the justices of the peace of the township in which such wolf or wolf's whelp shall have been taken, who shall thereupon associate with him one of the assessors, commissioners, or supervisors of highways of such township, to act with him in deciding upon such application.

To whom applicant must apply.

Sec. 3. The person claiming such bounty shall then and there be sworn by such justice, and state on oath the time and place, and when and where every wolf and wolf's whelp, for which a bounty is claimed by him was taken and killed. He shall also submit to such further examination on oath, concerning the taking and killing of such wolf or whelp, as the justice and officer associated with him may require; and the statement made by him

To be sworn.

shall be reduced to writing in the form of an affidavit, which shall be subscribed by the person making it.

When receive certificate.

Sec. 4. If it shall appear to the justice and officer associated with him, that the wolf or whelp was taken and killed within such township by the person applying for such bounty, and that the mother of said whelp was not taken before she brought forth the same, they shall cut off and burn the ears and scalp of such wolf or whelp, and deliver to the person so applying a certificate of the facts, annexing thereto the original affidavit made and subscribed by such person; and every justice who shall issue any such certificate, shall regularly number all the certificates issued by him.

Certificate to be numbered.

Delivered to commissioners, &c.

Sec. 5. The certificate, with the affidavit so taken, shall within fifteen days after the date thereof, be delivered to one of the county commissioners or supervisors of the same county; if such commissioner or supervisor shall doubt the correctness of the certificate or affidavit, he shall give notice to the person claiming the bounty, to give further evidence of the correctness thereof, and shall retain the paper in his hands, until such further proof shall be made.

He may require further evidence.

Commissioners to lay certificate before board.

Sec. 6. If such commissioner or supervisor shall have no doubt of the correctness of such certificate and affidavit, or if his doubts shall be removed by further proof, he shall lay such certificate and affidavit before the board at their next meeting. If the board shall be satisfied that such certificate and affidavit is just and correct, they shall award to the person to whom such certificate shall have been granted, the bounty above specified, and shall cause the certificate to be filed with their clerk.

Board award bounty.

Duplicate certificate.

Sec. 7. Duplicate certificates, stating all the bounties that shall have been allowed by the board at any meeting, shall be made under their direction, and after being certified by their chairman and clerk, shall be delivered to the county treasurer, who shall thereupon pay to the several persons named in such certificate, out of any moneys in the county treasury, the bounties to them respectively.

County treasurer to pay bounty.

Treasurer to charge half to state.

Sec. 8. The county treasurer shall charge to the treasurer of the state the one-half of all bounties allowed by the board of county commissioners or supervisors of their respective counties, and shall transmit an account thereof to the auditor general, accompanied by one of the duplicate certificates received from the board

of commissioners. The several county treasurers shall also procure and transmit with such account, a certified copy of the original certificates and affidavits filed with the clerk of the board of commissioners or supervisors, upon which the bounties mentioned in such account shall have been allowed.

Sec. 9. Every sum, upon any account not exceeding the one-half of the bounties allowed by the board of commissioners or supervisors, from which the same shall have been transmitted, shall be paid out of the treasury of this state, to the treasurer of such county, upon the warrant of the auditor general.

To be paid from state treasury.

Sec. 10. The boards of county commissioners or supervisors of the several counties of this state, shall have power, at the expense of their respective counties, to award and allow such other and further bounties for the destruction of wolves and wolves' whelps, and such bounties for the destruction of panthers, as they may think proper; the same proof shall be required in such case, as is hereinbefore prescribed, and such additional bounties, when duly allowed and certified, shall be paid out of the county treasury.

Commissioners may allow further bounty.

Sec. 11. If any justice of the peace, or other officer, who shall be applied to for a certificate under this act, shall willfully give a false certificate in the premises, such justice or other officer shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, the fine not exceeding one thousand dollars, and the imprisonment not exceeding two years.

Justice giving false certificate guilty of misdemeanor.

Sec. 12. This act shall take effect from its passage, and the first twelve sections thereof shall continue and be in force for and during three years thereafter, and no longer; but so much of the fifth section of this act, as requires the certificates of the justice, and the affidavit upon which it is founded, to be delivered to one of the county commissioners or supervisors of the same county, shall not take effect until the first day of October next.

Act to take effect.

Sec. 13. The act entitled "An act for the destruction of wolves," approved December 28, 1837, is hereby repealed,

Former act repealed.

Approved, February 9, 1838,

[No. 10.]

AN ACT to change the names of the township of Lenawee and the village of Whitmanville.

Lenawee
changed to
Madison;
Whitman-
ville to La
Grange.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That from and after the passage of this act, the name of the township of Lenawee, in the county of Lenawee, shall be altered to that of Madison; and also the name of the village of Whitmanville, in the county of Cass, shall be changed to that of La Grange.

Approved, February 12, 1838.

[No. 11.]

AN ACT for the relief of the inhabitants of Penn township, in the county of Cass.

Penn town-
ship to be
paid for im-
provements
made on
school land.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be paid to the proper authorities of Penn township, in the county of Cass, for the benefit of said township, such sum as it shall be made to appear has been expended by virtue of a contract entered into by said township for the improvement and cultivation of the primary school lands therein located; which sum shall be the amount actually expended by virtue of said contract over and above the value of products which have been received from said land previous to the sale of the same by the state.

How ap-
praised.

Sec. 2. That the superintendent of public instruction be empowered, and he is hereby directed to appoint one person; the inspectors of primary schools in Penn township, also be empowered to appoint one person; that the two, if not agreeing, be empowered to choose a third; all of whom shall be competent and disinterested, and who shall proceed to appraise the value of the improvements made on said lands; also the value of products received from the same, and report the result of their investigation to the superintendent of public instruction; also to the inspectors of primary schools in Penn township, on or before the twentieth of March next.

Paid from
school fund.

Sec. 3. That the sum paid, be drawn from the primary school fund.

Sec. 4. That all costs and necessary expenses incurred in making such valuation, be a legal charge against said Penn township. Costs paid by township.

Approved, February 12, 1838.

[No. 12.]

AN ACT to authorize the laying out of a state road from Niles to Kalamazoo.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a state road from the village of Niles, in the county of Berrien, to the village of Kalamazoo, in the county of Kalamazoo, making the Twin Lakes in section sixteen of town five south, in range fifteen west, at Henry Barney's, a point on said road; and that Uriel Enos, Richard V. V. Crane and Isaac W. Williard be and they are hereby appointed commissioners for that purpose. Commissioners.

Sec. 2. In laying out and establishing the road named in the preceding section, the state shall not be liable for the expense or damages incurred thereby. State not liable for expense.

Approved, February 16, 1838.

[No. 13.]

AN ACT to authorize the board of supervisors of Livingston county to borrow a certain sum of money.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of Livingston county be, and they are hereby authorized to borrow on the credit of said county, at an interest not exceeding seven per cent, and for a term of time not less than five nor more than fifteen years, a sum of money not exceeding one thousand dollars, for the purpose of erecting a jail for said county. Supervisors may borrow not to exceed one thousand dollars to build jail.

Sec. 2. Whenever said board of supervisors shall have negotiated for and shall have obtained any sum of money for the purpose above specified, the same shall be paid into the treasury of the county, to be drawn therefrom by the said board for the purpose of erecting said jail, in the same manner and under the same When obtained, to be paid into county treasury.

restrictions as is provided for in the case of other moneys in the treasury, by the laws now in force.

May appoint
superintend-
ents.

Sec. 3. Said board of supervisors may, and they are hereby authorized to appoint one or more superintendents to superintend the construction and erection of said jail, and may fix the compensation for the services of such superintendent as they may think proper, and shall have power to contract for the erection of the same.

To provide
for payment
of principal
and interest.

Sec. 4. The said board of supervisors are hereby authorized, and it is made their duty, to provide for the payment of such money, whether of principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in the case of other contingent expenses of said county.

Approved, February 23, 1838.

[No. 14.]

AN ACT authorizing the commissioners of common schools of the township of Erie, in Monroe county, to collect certain rents herein mentioned.

Commis-
sioners may
sue and re-
cover of per-
sons that
have used
school lands.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of common schools of the township of Erie, in the county of Monroe, who were in office at the time of the passage of an act entitled "An act to provide for the disposition of the university and primary school lands, and for other purposes," be and they are hereby authorized and empowered to sue for and recover, in any court of competent jurisdiction, in an action of assumpsit, covenant or trespass on the case, such sum or sums of money as may be just, of any person or persons who may have used or occupied the school lands in said township prior to the 21st March, 1837, either by consent or permission, or by lease from any officer or officers having charge thereof, or otherwise.

Moneys to
be paid to
school in-
spectors.

Sec. 2. That all moneys collected in pursuance of the first section of this act, after deducting reasonable expenses of collection, shall be paid to the school inspectors of said township, to be applied and accounted for by them, in the same manner as is prescribed by law in case of moneys appropriated for the primary schools.

Sec. 3. If the said commissioners shall neglect or refuse to pay Forfeiture if not paid. to said inspectors the moneys collected as aforesaid, or any part thereof, they shall forfeit the sum of fifty dollars for every such neglect or refusal, to be recovered for the use of the schools of said township in an action of debt by said inspectors, in any court having competent jurisdiction of the same.

Approved, February 27, 1838.

[No. 15.]

AN ACT to authorize the supervisors of the county of Kent to loan a certain sum of money.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors or commissioners of the county of Kent, be and they are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding ten thousand dollars, at an interest not exceeding seven per cent per annum, for a term of not less than five nor more than fifteen years. Supervisors borrow not exceeding ten thousand dollars.

Sec. 2. That when such loan shall be effected, the supervisors or commissioners of said county shall dispose of the same as How disposed of. required by the act entitled "An act authorizing the supervisors of any organized county in the state to loan money for the purpose of erecting county buildings, and for other purposes," passed March 20th, A. D. 1837.

Approved, February 28, 1838.

[No. 16.]

AN ACT appointing commissioners to lay out and establish certain state roads.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a state road, from the village of Battle Creek, in the county of Calhoun, by way of Hutchinson's Mills, to the village of Hastings, in the county of Barry, and S. V. R. York, Rustin Angel and John Meacham, be and they are hereby appointed commissioners for that purpose. From Battle Creek to Hastings.

South line of
state, to road
from Jones-
ville to Mar-
shall.

Sec. 2. There shall be laid out and established a state road, commencing on the south line of the state, at the centre of township eight south, of range five west, and running thence north on the section lines as near as practicable to the road leading from Jonesville to Marshall, in the county of Calhoun; and E. G. Berry, James G. Corbus and Ansalum Arnold be and they are hereby appointed commissioners for that purpose.

Bellevue to
Waterloo.

Sec. 3. There shall be laid out and established a state road, from the village of Bellevue, in the county of Eaton, and running thence by way of Wheaton's settlement, crossing Grand River on section thirty-four in town five north, of range four west, to Waterloo, in the county of Clinton; and William G. Wheaton, Asahel Beach and Robert Wheaton be and they are hereby appointed commissioners to lay out and establish said road.

State not
liable for
expenses;
to be laid
out in two
years.

Sec. 4. The state shall not be liable for any expenses or damages incurred under this act; and in case the several roads are not laid out and established in two years from the passage of this act, then the provisions herein shall be void and of none effect.

Approved, February 28, 1838.

[No. 17.]

AN ACT appointing commissioners to lay out and establish certain state roads, and for other purposes.

From county
seat of Kala-
mazoo to
county seat
of Ionia.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be laid out and established a state road from the county seat of Kalamazoo county, thence by the most direct and practicable route to the county seat of Ionia county, and Lawson S. Warner of Ionia, Albert E. Bull of Barry, and Asa Jones of Richland, Kalamazoo county, be and they are hereby appointed commissioners for that purpose.

Howell to
the mouth of
Kalamazoo
river.

Sec. 2. There shall be laid out and established a state road from the Grand River road, at Howell, the county seat of Livingston county, thence on the most eligible route by the county seats of Ingham, Eaton and Barry, to the mouth of the Kalamazoo river in the county of Allegan, and Ephraim B. Danforth of Ingham, G. W. Jewett of Livingston, and Albert E. Bull of Barry county, be and they are hereby appointed commissioners for that purpose.

Sec. 3. There shall be laid out and established a state road from the village of Medina, in the county of Lenawee, and running thence in a northerly direction on the most practicable route to the southern railroad, and also from the said village of Medina, on the most eligible route to a point where the territorial road crosses the Little St. Joseph river, in the county of Hillsdale, and John Powers, Ebenezer Daniels and John Knapp be and they are hereby appointed commissioners for that purpose.

Medina to southern railroad; Medina to territorial road.

Sec. 4. There shall be laid out and established a state road, commencing at the Chicago road, near Knickerbocker's tavern, in the county of Hillsdale, thence on the most eligible route by the village of Homer to Marshall, in the county of Calhoun, and Hiram Smith of Homer, James W. Gordon of Marshall, and Timothy Gay of Hillsdale be and they are hereby appointed commissioners for that purpose.

Chicago road to Marshall.

Sec. 5. There shall be laid out and established a state road, from the city of Gibraltar, in the county of Wayne, on the most "direct and feasible" route, to the village of Ypsilanti, in the county of Washtenaw, and Mark Norris, Jacob Vreeland and Samuel Deans, be and they are hereby appointed commissioners for that purpose.

Gibraltar to Ypsilanti.

Sec. 6. There shall be laid out a state road from the village of Pontiac, in the county of Oakland, to Dearbornville, in the county of Wayne, and that Hiram Wetmouth and Cyrus Howard of Wayne county, and George W. Williams of Oakland, be appointed commissioners to lay out the same.

Pontiac to Dearbornville.

Sec. 7. There shall be laid out and established a state road from Jacksonburgh, in the county of Jackson, thence on the most direct and practicable route to the village of Mason, in the county of Ingham, and Stephen Town, E. B. Danforth and Henry Fisk be and they are hereby appointed commissioners for that purpose.

Jacksonburgh to Mason.

Sec. 8. There shall be laid out and established a state road leading from Mount Clemens, in the county of Macomb, on, or as near as may be practicable, to the present travelled road, by way of Crawford's settlement, in the town of Macomb, Chubb's settlement, in the town of Ray, to Flower's store in the town of Armada; and William Canfield, Stewart Taylor and Azariah Prentiss be and they are hereby appointed commissioners for that purpose.

Mount Clemens to Flower's store.

Part of act
repealed.

Sec. 9. That the twentieth section of an act entitled "An act appointing commissioners to lay out and establish certain state roads," approved March 17, 1837, be and the same is hereby repealed,

State not
liable; roads
to be laid out
in two years.

Sec. 10. The state shall not be liable for the payment of any expense or damage incurred by reason of this act; and in case any of the roads mentioned in the preceding sections of this act, shall not be surveyed and laid out in two years from the passage of this act, the provisions herein contained, shall be void, so far as regards such road.

Approved February 28, 1838.

[No. 18.]

AN ACT to authorize the building of a certain dam therein named.

Newmans
authorized
to build dam
across Look-
ingglass
river.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elisha Newman, Almenon Newman and James Newman, their heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the Lookingglass river, in the county of Ionia, on the northeast quarter of section number thirty-three, in township six north, of range five west, at the point where Elm street in the village of Portland intersects said river; provided a convenient lock of not less than seventy-five feet in length and sixteen feet in the clear in width, shall be constructed for the passage of rafts, boats, canoes, and other water craft; also shall remove all timber or other substances which are or shall be flowed by said stream, which might tend to injury of health.

Lock.

Timber.

Locks kept
in repair,

Sec. 2. It shall be the duty of the persons above named, at all times, to keep said lock in good repair, and allow any raft, boat, canoes and other water craft to pass through the same, free of toll, without unnecessary delay; and any person who shall be unnecessarily delayed, shall be entitled to recover of the owners of said dam, double the amount of damage sustained by such delay.

Injuring lock
on dam.

Sec. 3. Any person who shall destroy or any wise injure said lock or dam, shall be deemed to have committed a trespass on the owners thereof, and shall be liable accordingly; and any person who shall willfully and maliciously destroy or injure said dam or

lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, at the discretion of the court; provided such imprisonment shall not exceed three months, or such fine four times the damages sustained.

Sec. 4. Nothing herein contained shall authorize the persons ^{Legislature} above named, or their heirs or assigns, to enter upon or flow the ^{may amend} act. lands of any other person, without the consent of such person; and the legislature may at any time so alter or amend this act as to provide for the improvement of the navigation of said river.

Approved March 3, 1838.

[No 19.]

AN ACT to locate the State Penitentiary.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan;* That the state penitentiary ^{Penitentiary} shall be located near the village of Jacksonburgh, on twenty acres of ^{located at} land described as follows: commencing at a stake ten chains north of the quarter post, on the east line of section number thirty-four, township number two south, of range number one west, thence west fifteen chains to the centre of Grand river; thence north thirteen and one-third chains to a stake, thence east fifteen chains to a stake, thence south thirteen and one-third chains to the place of beginning, containing twenty acres of land: *Provided,* The penitentiary shall not be so located, unless the ^{Proviso.} proprietors thereof shall execute to the state of Michigan a good and sufficient title in fee simple of the following pieces of land and privileges, viz: the above described twenty acres of land owned by Henry B. Lathrop, ten acres of land owned by William Ford and son, ten acres of land owned by Russel Blackman, ten acres of land owned by James Ganson, and ten acres of land owned by Henry H. Gilbert, all adjoining to or near the said first described twenty acres of land, also the right and privilege of using the waters of Grand river owned by said Henry B. Lathrop; and in case the water power on the lands of Henry B. Lathrop shall be deemed insufficient, or the great expense of improving it shall prove objectionable, the proprietors shall then furnish the state with the water power equal in amount to that which would be sufficient to carry two runs of millstones; and

also the right and privilege of a certain spring of water on the land of James Ganson.

Titles to be recorded and deposited in secretary's office.

Sec. 2. It shall be the duty of the governor of the state of Michigan, to appoint some suitable person to take all of the said titles to land and other privileges, have them recorded in the office of the register of deeds of the county of Jackson, and after being so recorded, to deposit them in the office of the secretary of state.

Approved March 3, 1838.

[No. 20.]

AN ACT to provide for the relief of the Detroit and Pontiac Railroad Company.

Stock to the amount of one hundred thousand dollars to be delivered to company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the state is hereby authorized and directed to issue and deliver to the Detroit and Pontiac railroad company, special certificates of stock to the amount of one hundred thousand dollars, payable in the year one thousand eight hundred and fifty-eight, and bearing an interest of six per cent per annum, payable semi-annually in the city of New York, on the first Monday of January and July in each year.

Stockholders to give their assent; security.

Sec. 2. Said certificates of stock shall not be delivered to said company, until the stockholders of said company, convened according to the provisions of the seventh section of the act incorporating said company, shall have duly expressed their assent and their acceptance of the provisions of this act ; and shall have filed a certificate thereof under the seal of said corporation, duly signed by the president and directors thereof, in the office of the treasurer of this state, and a duplicate thereof in the office of the auditor general and attorney general of this state ; nor until the president and directors thereof, or else the stockholders thereof, shall have given to said treasurer of this state and his successors in office, for the use of said state, sufficient security, to be approved of by the auditor general of this state, by bond or bonds, with such surety or sureties as the said auditor may approve of or require, in a penal sum or penal sums equal, in the aggregate, to at least double the par value of said certificates of stock, secured by good and sufficient mortgages on unincumbered real estate, of the cash value of at least two hundred thousand dollars ; which bond or bonds and accompany-

ing mortgages shall, when approved of by said auditor general and attorney general, be recorded in the counties in which the mortgaged premises are situate, and delivered to him, the said auditor general, and by him filed in his office; and said penal bond or bonds shall be conditioned for the prudent and speedy expenditure of all the moneys arising from the sales of said certificates of stock, in the continuation and construction of said railroad, and for the true and faithful redemption of said certificates of stock, when and as soon as the same, according to the provisions of this act, shall become or be made redeemable; and for the true and punctual payment of the interest thereon accruing, as the same shall become due and payable; and further, that additional or renewed bond or bonds, to the satisfaction of said auditor general, with additional surety or sureties, to be in like manner approved by him, shall from time to time, as the said auditor general may require, be given as aforesaid by said president and directors or by said stockholders; and if said president and directors, or said stockholders, as the case may be, should refuse or neglect, for the space of twenty days after the notification of the requisition of the said auditor general, to execute and deliver such additional or renewed bond or bonds, with surety or sureties as aforesaid, the condition of said bond or bonds shall be deemed thereby to have been broken, and the penalty or penalties of said bond or bonds shall be deemed thereby to have been incurred and forfeited; and thereupon, or upon the happening of any other breach of the condition of said bond or bonds, the said auditor general for the time being, shall cause suit to be brought for the recovery thereof to the use of the state.

Sec. 3. *And be it further enacted*, That before and at the time the said certificates of stock shall be delivered as aforesaid, to said railroad company, all the right, title, property, interest or estate of said railroad company, in, to and of said railroad and its appurtenances, and in, to and of all and singular the rights, privileges and franchises in said company, by its act of incorporation, or otherwise vested, shall, in and by some proper instrument or instruments in writing, under the corporate seal of said company, and signed by the president thereof, which said instrument in writing, the auditor general for the time being, by the aid and advice of the attorney general, shall prescribe, be pledged, hypothecated and mortgaged to the said auditor general and his successors in office, for the use of the state, as and for

Road to be
mortgaged
to auditor
general.

the more ample security of the true, punctual and absolute payment of the principal and interest of the same, by said certificates of stock accruing and to become due and payable, according to the tenor and effect of said certificates of stock, and of this act.

Credit of
state pledged.

Sec. 4. The said stock shall be denominated "The Detroit and Pontiac Railroad State Stock;" and the faith and credit of the people of this state are hereby pledged for the payment of the interest and the redemption of the principal thereof.

Certificates
not to be less
than one
thousand
dollars.

Sec. 5. The said stock shall be issued in certificates not less than one thousand dollars each in amount, payable to the said company or their order, and may be assigned and transferred at not less than its par value, by the said company, on books to be kept for that purpose.

Company to
redeem stock
and pay in-
terest; tolls
pledged.

Sec. 6. The said company shall make provision for the punctual redemption of the said stock, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the treasury of this state from any advances of money for that purpose; and the tolls and income which shall accrue from the use of the said road, after paying the repairs and the necessary expenses of conducting the business thereof, shall be and are hereby pledged for the payment of the said interest.

Stock not to
be issued to
company if
road is in-
cumbered.

Sec. 7. No part of the stock so authorized as aforesaid shall be issued to the said company until full and satisfactory evidence shall have been given to the treasurer, and approved by the attorney general, that no prior lien or incumbrance has been created or exists on said road or its appurtenances, except such lien as may have been created under this act, or the act providing for the incorporation of said company, or the act to amend the same, approved March 26, 1835.

When treas-
urer may
sell road.

Sec. 8. In case the said company shall make default in payment of either the interest or principal of the said stock, or any part thereof, it shall be lawful for the treasurer of the state for the time being, to sell the said road and appurtenances, and all and singular the rights, interests and franchises of said company, at auction, to the highest bidder, giving at least two months' notice of the time and place of such sale, by advertisement, to be published once in each week, in some one or more newspapers published in Pontiac, or to buy in the same at such sale, in behalf of the state, to be used and employed for the benefit of the state, in the same manner as other like public works belonging thereto,

and subject to such other disposition as the legislature may thereafter direct: *Provided, moreover,* That if said road is not completed on or before the first day of May, 1839, the charter of said company shall become forfeited, and the said road and appurtenances, and all and singular the rights, interests and franchises of said company shall belong to and be the property of this state; and this provision shall not in anywise affect the rights of the state in regard to the bond given pursuant to the second section of this act.

Road not completed first of May, 1839, charter forfeited.

Approved, March 5, 1838.

[No. 21.]

AN ACT to incorporate the Blissfield and Morenci Macadamized or Turnpike Road Company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Darius Mead, Hervey Bliss, Guy Carpenter, B. H. Lewis, Ephraim Hix, George Crane, Ingham S. Roberts, Walter P. Clark and Alpheus Felch be, and they are appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Blissfield and Morenci macadamized or turnpike road company, hereby incorporated; and they shall cause books to be opened at the inn of J. B. Bliven, in the village of Blissfield in the county of Lenawee, and at the court-house in the county of Monroe, for the space of two successive days at each place, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving four weeks' notice of the time and place of taking such subscriptions, by posting up notice in the most public places in each of the towns of Blissfield, Ogden, Fairfield and Seneca, in the county of Lenawee; and the subscribers thereto, and their successors and assigns, for the period of thirty years after the passage of this act, be and they are hereby ordained, constituted and declared to be a body politic and corporate, under the name of the "Blissfield and Morenci Macadamized or Turnpike Road Company;" and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and

Commissioners; books to be opened; body corporate.

being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal; and that they and their successors, by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatsoever, which may be necessary for the construction, preservation or repair of said road, or the erection of toll-gates and all toll-houses thereon, but for no other purpose.

Capital;
shares.

Sec. 2. The capital stock of said company shall be two hundred thousand dollars, to consist of and be divided into four thousand shares of fifty dollars each.

Road and its
construction;
directors;
president;
election of
directors;
proxy; each
share entitled
to a vote.

Sec. 3. That for conducting the business of said company, which shall be the constructing of a road, by means of a charcoal foundation or otherwise, as the subscribers to the capital stock shall elect, from the village of Blissfield in said county to said village of Morenci in the township of Seneca in said county, thence westwardly by the most convenient and eligible route to the west line of the state, there shall be nine directors, one of whom they shall annually elect their president, who shall hold their office for one year, or until others shall be appointed in their stead; that Darius Mead, Hervey Bliss, Guy Carpenter, B. H. Lewis, Ephraim Hix, George Crane, Ingham S. Roberts, Walter P. Clarke and Alpheus Felch be the first directors, and that Darius Mead be the president for the present year; that the election of directors shall be made on the last Monday in the month of June, at such place as the directors shall determine, a notice thereof being first given by publication in some newspaper published in the counties of Monroe and Lenawee, and also in the county of Hillsdale, if said directors shall deem it necessary, at which meeting each stockholder may vote by person or proxy, each share being entitled to one vote: *Provided*, This corporation shall not be deemed to be dissolved by reason that the annual election is not holden on the day above mentioned.

Power to
locate and
construct
road.

Sec. 4. The president and directors of said company shall be and they are hereby invested with all the privileges and power necessary for locating, constructing and keeping in repair said road, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom they may contract for making said road or any part thereof, may enter

upon and use any land which may be necessary for the site of said road, or in and for the construction or repair thereof, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

Sec. 5. The president and directors may agree with the owner or owners of any land, for earth, gravel, timber, stone or other materials, or any articles whatsoever which may be wanted in constructing or repairing said road, for the purchase and occupation of the same; and if such materials (not previously taken or appropriated by the proprietors thereof to any particular use) as may be necessary for constructing or repairing said road, be found on any unimproved land adjoining or near the same, and the parties cannot agree therefor, or if the owner or owners thereof be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, application may be made to any justice of the peace for such county, who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon twelve freeholders in the county, not in any way interested in the matter or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel of twelve jurors; and from them each party, his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or summoner for him, her or them, may strike off three jurors and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by the said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county and be by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk at the expense of said company; but

How and when company are authorized to take land or materials for road.

if set aside, said court may direct another inquisition to be taken in the manner above specified; said inquisition shall describe the property taken or the bounds required by said company, with sufficient certainty, and when such valuation or assessed damages shall be paid or tendered to the owner or owners of said property, his, her or their legal representative, it shall entitle said company to the estate and interest thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as it shall be required for such use; and if said assessed damages or valuation aforesaid, be not received when tendered, it may at any time thereafter be demanded and received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court, which fees shall be paid by the company hereby incorporated.

When toll-gates may be erected; number limited.

Sec. 6. So soon as the president and directors shall have completed said road, or five miles thereof, it shall be lawful for the president and directors to give notice thereof to the person administering the government of the state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders, in no way interested in or adverse to said road, to view the same and report to him in writing, whether such part of said road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in affirmation, it shall be the duty of the person administering the government for the time being of this state, and he is hereby required, by license under his hand and the seal of this state, to permit the said president and directors to make and erect so many gates and turnpikes upon and across said road as may be necessary and sufficient to collect the duties and tolls hereinafter granted to said corporation, from all persons travelling upon or using the same: *Provided, however,* That they shall not have on said road from Blissfield village to Morenci village, more than two such gates for taking whole toll, or in like proportion for taking half toll; and for the remainder of said road, they shall not have more gates for taking full toll, than one for each and every ten miles of road, and in like proportion for taking half toll; *And provided further,* that no toll-gate or half toll-gate shall be erected nor kept upon said road or turnpike, within two miles of either of the villages of Blissfield or Morenci, nor within the limits of any

town or village hereinafter to be erected on the line of said road.

Sec. 7. That so soon as the whole or part of said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the president and directors to appoint toll gatherers to collect and receive of and from all and every person or persons using said road, at each and every of said gates for collecting full tolls, such tolls and duties, to wit : for every score of hogs, or sheep, six cents ; for every score of cattle, horses, and mules, twenty cents ; for every wagon with two horses, mules, or oxen, ten cents ; for every additional horse, mule, or ox, three cents ; for every coach, pleasure wagon, or carriage, with two horses, fifteen cents ; and for every additional horse, five cents ; for every chair, sulky, or pleasure wagon, or carriage, with one horse, ten cents, and for every additional horse, five cents ; for every cart drawn by two oxen, five cents, and for every additional yoke of oxen, three cents ; for every horse or mule, rode or led, five cents ; for every cart drawn by one horse, six cents ; for all sleighs, or sleds, drawn by one or more horses, mules, or oxen, half the tolls for vehicles on wheels ; for every horse, or mule, and rider, six cents ; and it shall and may be lawful for any toll gatherer to stop and detain any person riding, leading or driving any horses, cattle, or sheep, or any article enumerated in this section as subject to pay toll, until the same is paid : *Provided, however,* That nothing in this act shall be construed to entitle said corporation to demand or receive toll at any gate of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or returning from a grist mill for the grinding of grain for family use, or from any troops in the service of this state or of the United States, or for the transportation of any or all property belonging to the United States or of this state : *Provided further,* That no person shall be called upon to pay toll at any gate within two miles of his residence.

Sec. 8. That the said corporation shall cause milestones or posts to be erected and maintained, one for every mile of road constructed by said corporation under this act ; and on every such stone or post shall be fairly and legibly marked the distance of said post from Blissfield village ; and shall also erect and maintain guideboards at the intersection of all public roads with said

Tolls ; pro-
viso.

Milestones
and guide-
boards ; for-
cibly passing
gate without
payment of
toll.

road, on which shall be marked the name of the place to which said road leads ; and if any person shall willfully cut, injure, or destroy said mileposts, guideboards, tollgates, or the road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name and for their benefit, in an action of debt, before any justice of the peace in the county where said offence is committed or where the offender may be found.

Toll gatherer receiving too much toll or unreasonably detaining any one.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so detained, for his own use, with costs of suit, before any justice of the peace in the county where the detention occurred ; and if no goods and chattels can be found to satisfy such judgment and costs, then and in that case the real property shall be liable to the execution issued on said judgment.

Shares personal property and liable to execution.

Sec. 10. The shares of said road shall be deemed and considered to be personal estate, and shall be liable to be taken in execution for the payment of any of their just debts, in such manner as is or may be prescribed by law, and shall be transferable as the president and directors may direct ; and the stock of said company shall be held and deemed liable to be taken and sold to discharge all claims against said corporation in case of failure on its part at any time to discharge such claims out of the funds of the corporation.

Commissioners may order gates to be thrown open.

Sec. 11. Whenever complaint shall be made to either of the commissioners provided for in section six of this act, that any portion thereof is out of repair, it shall be the duty of such commissioners to notify the other two commissioners, who shall repair to and view the same ; and if, in the opinion of the said commissioners, the same shall be out of repair, so as to render it unreasonable that the said corporation shall receive for the use thereof the tolls by this act provided therefor, then said commissioners shall in writing give notice of such defect to the nearest toll gatherer ; and they may at their discretion also in said notice order said gate or gates to be thrown open ; and immediately after the receipt of said notice and order, the said toll gatherer or toll gather-

ers, as the case may be, shall cause the same to be kept open, and no toll shall be demanded until all the necessary repairs shall be made; and if the said toll gatherer shall detain and shall receive from any person or persons in passing said gate, any tolls until said repairs shall be made as aforesaid, then such toll gatherer so detaining any person, or so receiving toll as aforesaid shall forfeit and pay to the person so detained the sum of twenty-five dollars, for each and every such offence, to be recovered in an action of debt as provided in the ninth section of this act; and the said commissioners so acting by virtue of this act, shall receive for each day necessarily spent in manner aforesaid the sum of one dollar and fifty cents, to be paid by the toll gatherer at the gate nearest to where the service was rendered, out of moneys collected at such gate.

Sec. 12. That the said board of directors shall keep or cause to be kept a set of corporate books, open at all times to any or all of the stockholders of said company, in which shall be entered all the expenditures of said company and all moneys by them received; that said board shall make a semi-annual dividend to each and every stockholder, of his proportion of the semi-annual profits after deducting the expenses of making and repairing said road and fixtures thereto appended.

Books to be kept and expenditures entered therein; dividends.

Sec. 13. That said board of directors have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company; and may appoint a secretary and treasurer to the board; and generally, may do all further acts necessary to carry into effect with full force the objects of this incorporation.

By-laws.

Sec. 14. The state of Michigan be, and is hereby authorized and empowered at any time hereafter, to purchase of said company the road aforesaid, and all the privileges and benefits accruing therefrom to said company: *Provided*, That if at the time the state shall purchase the said road, the company shall have received twelve per centum per annum net profit, on the original cost of constructing said road and fixtures, the said company shall surrender said road and fixtures on receiving only the original cost of making the same.

State may purchase road.

Sec. 15. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Public act.

Legislature
may alter or
amend.

Sec. 16. The legislature may at any time alter or amend this act by a vote of two-thirds of each house.

Road to be
built in
workman-
like manner.

Sec. 17. The said road shall be completed in a good and workmanlike manner, so macadamized with charcoal, or otherwise so constructed as to make it a good, substantial and passable road.

When road
to be com-
pleted.

Sec. 18. If said company shall not in two years complete five miles of said road and open the same to public use, and shall not in four years complete the whole to the village of Morenci, and shall not in six years complete the whole of said road to the western line of the state, then in that case the said company shall not claim by virtue of this act a right to construct a road upon such remaining part of said route.

Approved March 6, 1838.

[No. 22.]

AN ACT to organize certain townships, and for other purposes.

Texas.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the county of Kalamazoo designated in the United States survey as township number three south, of range number twelve west, be and the same is hereby set off and organized into a separate township, by the name of Texas; and the first township meeting therein shall be held at the house of Albert G. Towers, in said township.

Canaan.

Sec. 2. All that portion of the county of Hillsdale designated in the United States survey as township number eight south, and fractional township number nine south, of range number one west, be and the same is hereby set off and organized into a separate township, by the name of Canaan; and the first township meeting therein shall be held at the house of Samuel Coman, in said township.

Iena.

Sec. 3. All that portion of the county of Livingston designated in the United States survey as township number four north, of range number three east, be and the same is hereby set off and organized into a separate township by the name of Iena; and the first township meeting therein shall be held at the dwelling-house of Levi Parsons, in said township.

Sec. 4. All that portion of the township of Howel, as now organized in the county of Livingston, designated in the United States survey as township number three north, of range number three east, be and the same is hereby set off and organized into a separate township, by the name of Handy; and the first township meeting therein shall be held at the house of Ralph Fowler, in said township.

Sec. 5. All that portion of the county of Branch designated in the United States survey as township number six south, of range number eight west, be and the same is hereby set off and organized into a separate township, by the name of Mattison; and the first township meeting therein shall be held at the house of Abiather Culver in said township.

Sec. 6. All that portion of the county of Calhoun designated in the United States survey as township number one south, of range number seven west, be and the same is hereby set off and organized into a separate township, by the name of Pennfield; and the first township meeting therein shall be held at the district school-house in the village of Verona, in said township.

Sec. 7. All that portion of the county of Ingham designated in the United States survey as township number one north, of range number two west, be and the same is hereby set off and organized into a separate township, by the name of Onondaga; and the first township meeting be held at the house of Barny Johnston, in said township.

Sec. 8. All that portion of the county of Shiawassee designated in the United States survey as township number five north, of range number three east, be and the same is hereby set off and organized into a separate township, by the name of Antrim; and the first township meeting therein shall be held at the house of Almon S. Harmon, in said township.

Sec. 9. All that part of the county of Livingston designated in the United States survey, as township number four north, of range number four east, be and the same is hereby set off and organized into a separate township, by the name of Tuscola; and the first township meeting shall be held at the house of James Sanford, in said township.

Sec. 10. All that part of the county of Livingston designated in the United States survey as township number four north, of range number six east, be and the same is hereby set off and

organized into a separate township, by the name of Tyrone; and the first township meeting shall be held at the house of Eli Konklin, in said township.

Holly.

Sec. 11. All that portion of the county of Oakland designated in the United States survey as township number five north, of range number seven east, be and the same is hereby set off and organized into a separate township, by the name of Holly; and the first township meeting therein shall be held at the house of John Runyann.

Richmond.

Sec. 12. All that part of the county of Macomb designated in the United States survey as township number five north, of range number fourteen east, be and the same is hereby set off and organized into a separate township, by the name of Richmond; and the first township meeting shall be held at the house of George Perkins, in said township.

Bennington.

Sec. 13. All that part of the county of Shiawassee designated in the United States survey as townships number five and six north, of range number two east, be and the same is hereby set off and organized into a separate township, by the name of Bennington; and the first township meeting shall be held at the house of Samuel Nichols, in said township.

Riley.

Sec. 14. All that part of the county of St. Clair designated in the United States survey as township number six north, of range number fourteen east, be and the same is hereby set off and organized into a separate township, by the name of Riley; and the first township meeting shall be held at the house of Nelson Philips, in said township.

Tompkins.

Sec. 15. All that portion of the county of Jackson designated in the United States survey as township number one south, of range number two west, be and the same is hereby set off and established into a separate township, by the name of Tompkins; and the first township meeting shall be held at the house of Joseph Wade, in said township.

Alamo.

Sec. 16. All that part of the county of Kalamazoo designated in the United States survey as township number one south, of range number twelve west, be and the same is hereby set off and organized into a separate township, by the name of Alamo; and the first township meeting therein shall be held at the house of Seth C. Whitlock.

Sec. 17. All that part of the county of Calhoun designated in Cady. the United States survey as township number two south, of range number seven west, be and the same is hereby set off and organized into a separate township, by the name of Cady; and the first township meeting shall be held at the house of Jeremiah Gardner, in said township.

Sec. 18. All that part of the county of Calhoun designated in Fredonia. the United States survey as township number three south, of range number six west, be and the same is hereby set off and organized into a separate township, by the name of Fredonia; and the first township meeting shall be held at the house of Ebby Hyde, in said township.

Sec. 19. All that part of the county of Cass designated in the Newberg. United States survey as township number six south, of range thirteen west, be and the same is hereby set off and organized into a separate township, by the name of Newberg; and the first township meeting shall be held at the house of John Bain, in said township.

Sec. 20. All that part of the county of St. Joseph designated Bur Oak. in the United States survey as township number seven south, of range number nine west, be and the same is hereby set off and organized into a separate township, by the name of Bur Oak; and the first township meeting shall be held at the house of Julius A. Thompson, in said township.

Sec. 21. All that part of the county of Branch designated in Butler. the United States survey as township number five south, of range number five west, be and the same is hereby set off and organized into a separate township, by the name of Butler; and the first township meeting shall be held at the house of David Lindsay, in said township.

Sec. 22. All that part of the county of Kent, designated in the Vergennes. United States survey as townships number five, six, seven and eight north, of range number nine west, be and the same is hereby set off and organized into a separate township, by the name of Vergennes; and that the first township meeting shall be held at the house of Lewis Robinson, in said township.

Sec. 23. All that part of the county of Ionia designated in the Otisco. United States survey as townships number seven and eight north, of range number eight west, be and the same is hereby set off and organized into a separate township by the name of Otisco;

and the first township meeting shall be held at the house of Robert W. Davis, in said township.

Boston
enlarged.

Sec. 24. All that portion of the county of Ionia designated in the United States survey as township number five north, of range number eight west, shall be and the same is hereby attached to and made a part of the township of Boston in said county of Ionia.

Township
meeting in
Green Oak.

Sec. 25. The next township meeting for the township of Green Oak, in the county of Livingston, shall be held at the store of Hanchett & Co. in said township.

Oneida.

Sec. 26. All that portion of the county of Eaton designated in the United States survey as townships number three and four north, of ranges three and four west, be and the same is hereby set off and organized into a separate township by the name of Oneida; and the first township meeting shall be held at the house of Truman W. Nichols, in said township.

Clarendon.

Sec. 27. All that portion of the county of Calhoun designated in the United States survey as township number four south, of range number five west, be and the same is hereby set off and organized into a separate township, by the name of Clarendon; and that the first township meeting shall be held at the school-house in school district number one in said township.

Le Roy.

Sec. 28. All that portion of the county of Calhoun designated in the United States survey as township number three south, of range number eight west, be and the same is hereby set off and organized into a separate township, by the name of Le Roy; and the first township meeting shall be held at the house of John E. Mulhallen, in said township.

Vevay.

Sec. 29. All that portion of the county of Ingham designated in the United States survey as township number two north, of range number one west, be and the same is hereby set off and organized into a separate township, by the name of Vevay; and the first township meeting therein shall be held at a public house in the village of Mason in said township.

Cass.

Sec. 30. All that portion of the county of Ionia designated in the United States survey as townships number five and six north, of range number seven west, also the west half of townships five and six north, of range six west, and all that part of the west half of township seven north, of range six west, and of township seven north, of range seven west, lying south of the Grand river, be and

the same is hereby set off and organized into a separate township, by the name of Cass; and the first township meeting shall be held at the house of William Babcock in said township.

Sec. 31. All that part of the county of St. Joseph designated Fawn river. in the United States survey as fractional township number eight south, of range number nine west, be and the same is hereby set off and organized into a separate township, by the name of Fawn River; and the first township meeting shall be held at the tavern house of Freeman A. Tisdell, in said township.

Sec. 32. All that part of the township of Penn, in the county Part of Penn township attached to Porter. of Cass, comprised in township seven south, range thirteen west, shall be attached to and become a part of the township of Porter.

Sec. 33. Hereafter the name of the township of Logan, in the Logan changed to Adrian. county of Lenawee, shall be changed and altered to that of Adrian.

Sec. 34. All that portion of the county of Kent designated in Ada. [the] United States survey as townships five, six, and seven north, of range ten west, be and the same is hereby set off and organized into a separate township, by the name of Ada; and the first township meeting therein shall be held at the house of John W. Fisk, in said township.

Sec. 35. The name of the village of Jacksonburgh, in the Village of Jacksonburgh changed to Jackson; Vreelandt to Flat Rock; township of Painsville to Springfield. county of Jackson, shall hereafter be altered and changed to that of Jackson; the name of the village of Vreelandt, county of Wayne, shall be altered to that of Flat Rock; and the name of the township of Painsville, in the county of Oakland, shall be changed and altered to that of Springfield.

Sec. 36. All that portion of the county of Barry designated in Hastings. the United States survey as township number three and four north, of range seven and eight west, be and the same is hereby set off and organized into a separate township, by the name of Hastings; and the first township meeting therein shall be held at the house of Slocum H. Bunker, in said township.

Sec. 37. All that portion of the county of Barry designated in Thornapple. the United States survey as townships number three and four north, of ranges number nine and ten west, be and the same is hereby set off and organized into a separate township, by the name of Thornapple, and the first township meeting therein shall be held at the house of Benjamin S. Dibble, in said township.

Barry. **Sec. 38.** All that portion of the county of Barry, designated in the United States survey as townships number one and two north, of ranges nine and ten west, be and the same is hereby set off and organized into a separate township, by the name of Barry; and the first township meeting therein shall be held at the house of John Mills, in said township.

Johnstown. **Sec. 39.** All that portion of the county of Barry designated in the United States survey as townships number one and two north, of ranges seven and eight west, be and the same is hereby set off and organized into a separate township, by the name of Johnstown; and the first township meeting therein shall be held at the house of W. P. Bristol, in said township.

Part of act repealed. **Sec. 40.** Sections number ten and eleven of an act entitled "An act to organize certain townships," approved 30th December, A. D. 1837, be and the same are hereby repealed.

Muskegon. **Sec. 41.** All that portion of the county of Ottawa lying north of the dividing line between townships eight and nine north, be and the same is hereby set off and organized into a separate township, by the name of Muskegon; and the first township meeting therein shall be held at the house of Newell and Wilcox, in said township.

Tallmage. **Sec. 42.** All that portion of the county of Ottawa designated in the United States survey as townships seven and eight north, of range thirteen west, be and the same is hereby set off and organized into a separate township, by the name of Tallmage; and the first township meeting therein shall be held at the house of Mr. Stoddard, in said township.

Ottawa. **Sec. 43.** All that portion of the county of Ottawa designated in the United States survey as lying south of the dividing line between townships eight and nine north, (excepting townships seven and eight north, of range thirteen west, above described,) be and the same is hereby set off and organized into a separate township, by the name of Ottawa; and the first township meeting therein shall be held at the house of Nathan Throop, in Grand Haven, in said township.

Iosco. **Sec. 44.** All that portion of the county of Livingston designated in the United States survey as township number two north, of range number three east, be and the same is hereby set off and organized into a separate township, by the name of Iosco; and the first township meeting therein shall be held at the house of Jeremiah Nichols, in said township.

Sec. 45. All that portion of the county of Ionia designated in ^{Portland.} the United States survey as townships five and six north, of range five west, and also the east half of township five and six north, of range six west, be and the same is hereby set off and organized into a separate township, by the name of Portland; and the first township meeting therein shall be held at the house of Joshua Boyer, of Portland, in said township.

Sec. 46. All that part of the county of Allegan designated in ^{Manlius.} the United States survey as township number three north, of range number fifteen west, be and the same is hereby set off and organized into a separate township, by the name of Manlius; and that the first township meeting therein shall be held at the house of Ralph R. Mann, in said township.

Sec. 47. All that portion of the county of Genesee designated ^{Fenton.} in the United States survey as township number five north, of range six east, be and the same is hereby set off and organized into a separate township, by the name of Fenton; and the first township meeting therein shall be held at the Fentonville hotel, in said township.

Sec. 48. All that portion of the county of Clinton designated ^{Wandaugon.} in the United States survey as townships number seven and eight north, of ranges three and four west, be and the same is hereby set off and organized into a separate township, by the name of Wandaugon; and the first township meeting therein shall be held at the house of George Campau, in said township.

Sec. 49. Hereafter the name of the township of Byron, in ^{Township of Byron changed to Oceola; Jefferson to Sterling.} Livingston county, shall be changed to that of Oceola; and also the name of the township of Jefferson, in the county of Macomb, shall be altered and changed to that of Sterling.

Sec. 50. All that part of the county of Genesee designated in ^{Genesee.} the United States survey as township number eight north, of range seven east, and the east half of township number eight north, of range number six east, be and the same is hereby set off and organized into a separate township by the name of Genesee; and the first township meeting therein shall be held at the house of Juba Barrows, in said township.

Sec. 51. All that part of the county of Kalamazoo designated ^{Portage.} in the United States survey as township number three south, of range number eleven west, be and the same is hereby set off and organized into a separate township, by the name of Portage; and

the first township meeting therein shall be held at the house of Elijah Root, in said township.

Flushing.

Sec. 52. All that part of the county of Genesee designated in the United States survey as townships number seven and eight north, of range number five east, and the west half of townships number seven and eight north, of range number six east, shall be and the same are hereby set off and organized into a separate township, by the name of Flushing; and the first township meeting therein shall be held at the house of Ezekiel R. Ewings, in said town.

Charleston.

Sec. 53. All that part of the county of Kalamazoo designated in the United States survey as township number two south, of range number nine west, shall be and the same is hereby set off and organized into a separate township, by the name of Charleston; and the first township meeting therein shall be held at the house of William Earl, in said township.

Plainfield.

Sec. 54. All that part of township eight north, of ranges ten and eleven west, lying north of the Grand river, in the county of Kent, be and the same is hereby set off and organized into a separate township, by the name of Plainfield; and the first township meeting therein shall be held at the school-house on section twenty-three, in township eight north, of range eleven west.

Approved March 6, 1838.

[No. 23.]

AN ACT to amend an act entitled "An act to lay out a state road from Ypsilanti to Ridgeway," approved March 14, 1837.

Road extended from Ridgeway to south line of state and commissioners appointed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be a continuation of the state road from Ridgeway in the county of Lenawee, laid out and established in a southerly direction to the south line of the state of Michigan, in conformity to the act to which this is amendatory; and that Oliver Miller, David C. Parmalee and Frederick Kennedy be and they are hereby authorized and appointed commissioners for that purpose, with authority to carry out the provisions in continuing said road on the great natural ridge to

the southern line of this state, or as near as practicable to said ridge, without interfering with the buildings erected thereon.

Approved March 6, 1838.

[No. 24.]

AN ACT to amend an act entitled "An act to incorporate the village of Pontiac."

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the president and trustees of the village of Pontiac be, and they are hereby vested with power to establish a market place in said yillage, and to regulate the same.

Approved March 9, 1838.

[No. 25.]

AN ACT for the relief of the township of Shelby, in the county of Macomb, and for other purposes.

Whereas, it is represented to this legislature that Jesse Gridley, Preamble. late of said township of Shelby, in the county of Macomb, and collector of the public taxes therein, absconded from said township and county, on or about the last day of January, 1838, without having completed the collection of the state, county and other public taxes, duly assessed therein by the board of supervisors of said county at their annual session in October last, and without having paid over any part thereof, according to law ; and whereas it is further represented that the electors of said township of Shelby have duly elected another collector within and for said township, to supply the vacancy occasioned by the departure of said Jesse Gridley ; but that before the said other collector could be elected and qualified according to law, the time for the collection and payment over of said state, county, and other public taxes had expired ; Therefore, to enable the said newly elected collector to collect such of said taxes as have not been collected, and to pay over the same, and all other such sum or sums as may come into his hands for or on account of the public taxes aforesaid, to the persons authorized by law to receive the same, and to make due and proper return to the warrant for collecting the

same, issued by the said board of supervisors of said county of Macomb, at their said October session :

Authorizing new collector to proceed, &c.; to pay over at specified time; warrant to be returned.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the said collector of said township of Shelby, elected as aforesaid to supply the vacancy occasioned by the removal and departure aforesaid of said Jesse Gridley, be and he is hereby authorized and required, after having given the bond and security by law in such cases required, and being otherwise duly qualified to proceed to the collection of the state, county and other public taxes, assessed upon the taxable property within said township of Shelby, by the said board of supervisors of said county of Macomb, at their said October session last, which have not been duly collected, and the same, when so collected, to pay over and deliver to the proper officers by law authorized and appointed to receive the same, on or before the twentieth day of May next: And also to return the said warrant for the collection of said taxes issued as aforesaid, by said board of supervisors, on or before said last mentioned day, and therewith to make due return of all taxes uncollected, and of all lands subject to the payment of said taxes, in the same manner as is required in ordinary cases.

Warrant to have full force as in ordinary cases; proceedings.

Sec. 2. *And be it further enacted*, That the warrant aforesaid shall have all the same force, and confer upon the said collector so as aforesaid elected to supply said vacancy, all the same powers and authority to collect, demand, receive, distrain for and levy the said taxes on or before the said twentieth day of May next, as if the same warrant had been duly directed to said last mentioned collector, and as the same had or could have in law before the day when the same warrant, on the face of it and according to law, was made returnable; and the same proceedings shall and may be had in the premises, as could of right be had, if the time when said taxes ought to have been collected and paid over, had not expired as aforesaid.

Approved, March 9, 1838.

[No. 26.]

AN ACT to incorporate the village of Romeo.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part or tract of land embraced within the following limits, to wit: being section two and the east half of section three, in the township of Washington, and the south half of section thirty-five and the south-east quarter of section thirty-four, in the township of Bruce, in Macomb county and state of Michigan, (in which is embraced the village of Romeo,) be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of "The village of Romeo."

Incorporation.

Sec. 2. It shall be lawful for the free male inhabitants of said village, having the qualifications of electors of state and county officers, to meet at some convenient place in said village of Romeo, on the first Monday in May next, and on the first Monday of May annually thereafter, and then and there proceed by a plurality of votes to elect by ballot a president, recorder, and six trustees, who shall hold their offices one year and until their successors are elected and qualified: and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if an election of president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter prescribed.

Time of holding election; proviso.

Sec. 3. At the first election to be held under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act, and at all subsequent elections, the trustees, or any two of them, shall be judges, and the recorder, clerk of the election; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at five o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges;

Officers of election to be chosen; opening of polls; notice of election.

and the clerk shall make a true record thereof, and within five days after such election, the said clerk shall give notice to the persons elected of their election, and it shall be the duty of the said village council, at least five days before each annual election, to give notice of the same, by posting up notices in three of the most public places in said village.

President;
recorder.

Sec. 4. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend all such meetings and keep a fair and accurate record of all their proceedings; and the said recorder is authorized under his hand and seal to appoint some competent person as his deputy, who in his absence shall do and perform all and singular the duties enjoined upon said recorder, and for whose acts said recorder shall be liable.

Body corporate and
politic; privileges.

Sec. 5. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "The President and Trustees of the village of Romeo," and may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended, in any court of competent jurisdiction: and when any suit shall be commenced against said corporation, the first process shall be by summons, which shall be served by an attested copy, to be left with the recorder or his deputy, at least eight days before the return day thereof.

Oath of
office.

Sec. 6. The officers elected by virtue of this act shall each, before entering on the duties of his office, take an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office.

Powers and
duties; fines
and penalties;
proviso.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations for the government of said village, and the same to alter, repeal or re-ordain at pleasure, and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal and other subordinate officers, which may be thought necessary for the good government and well being of said village; to prescribe their duties, declare their qualifications and determine the period of their appointments and the fees they shall be entitled to receive for their services, and require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and may require of them such security for the performance of the duties

of their respective offices, as shall be thought necessary ; said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation, such reasonable fines and penalties as they deem proper, and to provide for the disposition of said fines and penalties : *Provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village.

Sec. 8. The president and trustees shall, at the expiration of ^{Statement, semi-annual.} each period of six months, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding six months.

Sec. 9. The electors of said village, in legal meeting assembled, shall have power to lay taxes on all real and personal estate within the limits of said corporation, not exceeding one-half of one per centum upon said real estate in any one year ; to regulate and improve the lanes and alleys, and to determine the width of the sidewalks : *Provided*, That no property shall be taken from any individual, until said individual shall be paid therefor the value thereof, to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose ; they shall have the power to remove all nuisances and obstructions from the streets and commons, and all other places of said village, and to provide for the removal of the same. ^{Power to levy tax; proviso; removal of nuisances.}

Sec. 10. All meetings called for the purposes contemplated in the preceding section of this act shall be called by the president, or in his absence by the senior trustee, by posting up written notices in three of the most public places in said village, at least three days previous to holding said meeting ; said notices shall specify the time and place of holding said meeting, and the purposes for which said meeting is called. ^{Call for meetings.}

Sec. 11. The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe ; but the president and trustees shall receive no pecuniary compensation, unless the same shall be authorized by the inhabitants in legal meeting assembled. ^{Recorder's fees.}

Sec. 12. It shall be the duty of the president and trustees to make out a duplicate of taxes, voted as aforesaid by the electors, ^{Duplicate of taxes.}

charging each individual therein an amount of tax in proportion to the real or personal estate of such individual within said village ; which duplicate shall be signed by the president and recorder, and delivered to the marshal or such other person as shall be appointed collector, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Collector of
taxes; pro-
viso; adver-
tising sale.

Sec. 13. The said collector shall have power to sell personal estate, and for want thereof, to sell real estate for the non-payment of taxes within said village ; and in case of the sale of real estate, the said collector shall prosecute the sale in the same manner and with the same effect, in all respects, as is provided by law for the sale of real estate on execution by sheriffs: *Provided*, That no such sale shall have any effect to transfer any title to real estate, unless the assessment and levy of such tax upon any such real estate, shall have been duly advertised in some public newspaper published at the seat of justice for said county of Macomb, or if there be none published there, then in some public newspaper published at the seat of government of this state, at least six months before such sale shall take place, for six weeks successively, nor unless all the proceedings relative to such sale and such assessment and such levy of taxes, be in all respects regular and legal, and all real estate so sold by such collector may be redeemed within two years from such sale.

Use of coun-
ty jail.

Sec. 14. The said village shall be allowed the use of the common jail of the county of Macomb, for the imprisonment of every person liable to imprisonment under the ordinances of said village; and all persons committed to said jail, shall be under the charge of the sheriff as in other cases.

Act made
public.

Sec. 15. This act shall be favorably construed and received in all courts of justice as a public act, and copies thereof printed under the authority of the legislature, shall be received as evidence without further proof.

Repealing
clause.

Sec. 16. This act may be altered, amended or repealed by the legislature, with the assent of two-thirds of both houses.

Approved, March 9, 1838.

[No. 27.]

AN ACT to lay out and establish certain state roads.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Hodge, Lovell Moore, and Eliphalet H. Turner, be and are hereby appointed commissioners to lay out and establish a state road leading from the Grand Rapids, in the county of Kent, to the Muskegon river, terminating upon or near section twenty-two, in town twelve north, of range twelve west. Commissioners; location.

Sec. 2. There shall be laid out and established a state road from Rochester Colony, in Clinton county, thence on the most eligible and direct route to the county seat of Ionia; and that Lyman Webster, Lockwood Yates, and Cyrus Lovell be and they are hereby appointed commissioners for that purpose. Do.

Sec. 3. There shall be laid out and established a state road from Gull Prairie through the county seat of Barry county to the county seat of Ionia; and that Albert G. Bull, John E. Morrison and Asa Spencer, be and they are hereby appointed commissioners for that purpose. Do.

Sec. 4. There shall be laid out and established a state road from the east line of Eaton county, on or as near as practicable to the section line two miles north of the base line, and running west to the state road leading from Kalamazoo to Allegan; and that Silas Dunham, S. Honsucher and David Dunham be and they are hereby appointed commissioners for that purpose. Do.

Sec. 5. In laying out and establishing the roads named in the preceding sections, the state shall not be liable for any expenses or damages incurred thereby; and in case the roads shall not be laid out and established within two years from the passage of this act, the provisions herein shall be void and of no effect. State not liable for damages; limitation.

Approved, March 9, 1838.

[No. 28.]

AN ACT to incorporate the village of Utica.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of land lying in the townships of Shelby and Jefferson, in the county of Macomb, and embraced within the following limits, to wit: com- Corporation limits and name.

mencing at the north-west corner of the south-west quarter of section number thirty-three, in township number three north, of range number twelve east, and running thence east one and a half miles to the north-east corner of the south-west quarter of section number thirty-four; thence south one mile, to the south-east corner of the north-west corner [quarter] of section number three, in township number two north, of said range number twelve east, thence west one and a half miles to the south-west corner of north-west quarter of section number four in said township, thence north one mile to the place of beginning, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of "The Village of Utica."

Election;
president and
trustees to
hold office
one year;
five consti-
tute board;
proviso.

Sec. 2. The inhabitants of said village, having the qualifications of electors under the constitution of this state, shall meet at the school-house in said village on the first Monday in May next, and on the first Monday in May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot a president, clerk, and six trustees, who shall severally hold their offices for one year and until their successors are elected and qualified; and any five of them shall constitute a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if any election of president, clerk, and trustees shall not be made, when, pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in manner hereinafter described.

Judges of
election;
polls to be
opened;
clerk to give
notice to per-
sons elected;
also of elec-
tion.

Sec. 3. At the first election to be holden under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and at any subsequent election the trustees, or any two of them, shall be judges of said election; and at all elections held under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at three o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof, and within five days after

such election, the said clerk shall give notice to the persons elected of their election ; and it shall be the duty of the said clerk to give at least five days' previous notice of each and every election, by posting up notices thereof in at least three of the most public places in said village, or by publishing the same in some newspaper printed in said village.

Sec. 4. It shall be the duty of the president (or in his absence, of the senior trustee) to preside at all meetings of the corporation, annual or special, and at all meetings of the trustees ; and it shall be the duty of the clerk, or in his absence a deputy appointed by him, to attend all such meetings and keep a fair and accurate record of all their proceedings.

President to preside at all meetings, and clerk to keep record thereof.

Sec. 5. The president, clerk, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of " The President and Trustees of the Village of Utica," and shall be capable in law, in their corporate name, to acquire such property, both real and personal, as shall be necessary for the use of said corporation, may at any time sell and convey the same, may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended, in any court of competent jurisdiction ; and when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy of the same left with the clerk, at least eight days before the return day thereof.

President and trustees to be body corporate, &c.

Sec. 6. The officers elected by virtue of this act shall each, before entering upon the duties of his office, take an oath or affirmation (to be administered by either of the trustees) to support the constitution of the United States and of this state, and faithfully to discharge the duties of his office.

Officers to take oath.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations for the government of said village, and the same to alter, repeal or reordain at pleasure, and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal and other subordinate officers, which may be thought necessary for the good government and well being of said village ; to prescribe their duties, declare their qualifications and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation,

Power of president and trustees.

Power of
president and
trustees.

faithfully and impartially to discharge the duties of their respective offices, and may require of each of them such security, by bond, for the faithful performance of the duties of their respective offices as shall by them be thought expedient, which bond shall run to the treasurer of said corporation, and his successors in office, and said treasurer, or his successors, shall have power to sue for all breaches of the same, before any justice of the peace, or other proper court having jurisdiction in like cases, and no officer shall hold his office more than one year, or until others are elected or appointed, and qualified; and that no by-laws or ordinances of said corporation shall have effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by notices posted up in three of the most public places in said village; to prohibit the running at large of swine, horses, cattle, mules, geese and sheep, within the limits of said village; to regulate the building of partition and other fences; to purchase fire engines, and other necessary apparatus for the extinguishment of fires, to cause each and every building occupied as a dwelling, store, office, or mechanical shop, to be provided with fire buckets, to prescribe the manner in which stoves with their pipes in actual use, and chimneys, shall be put up to guard against fire; to remove nuisances; to grade and pave the streets, lanes and alleys, to determine the width of sidewalks, and cause the same to be made, to lay out new streets, lanes and alleys, and extend such as are already laid out; *Provided* the land of any individual shall not be taken for such purpose, until such individual shall be paid therefor, the value thereof, to be ascertained by twelve freeholders, being residents of said county, to be summoned by the marshal for that purpose, who shall thereupon proceed to appraise the value of said property, being first sworn by an officer competent to administer oaths, well and truly, and without partiality or favor, to value the property to be taken and the damages to the owner aforesaid, and report the same to the president, or in his absence to one of the trustees, to keep the public highways and bridges within the incorporate limits in repair, to cause the streets, alleys, sidewalks, and public highways to be kept free from obstructions; to lay taxes on all personal and real estate, within the limits of said village, excepting property belonging to said village, town, county or state; also places of public worship belonging to any church or

congregation, all school-houses, and all property belonging to literary institutions: *Provided*, That whenever it shall be necessary to grade or pave any street, lane, alley or sidewalk, the expense thereof shall be assessed by the said president and trustees, on all property benefited by such improvements; but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same, shall petition the president and trustees for that purpose.

Sec. 8. The president and trustees of said village shall have power to impose such reasonable fines and penalties as they shall deem proper, for the violation of any by-laws, rules, or regulations of said corporation; and when any penalty or fine shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in said county, and any interest the inhabitants of said village of Utica, as a body corporate, may have in the fine or penalty to be recovered, shall not disqualify said inhabitant to try said cause, or serve as a juror, or be a witness therein: and the circuit court of said county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Penalties for violation of by-laws; before what courts recovered.

Sec. 9. The freeholders of said village, in legal meeting assembled, shall have power to lay taxes on all personal and real estate within the limits of said corporation, not exceeding one-half of one per centum upon said estate in any one year, and all taxes so levied upon real estate, and all assessments made thereon, by the president and trustees for opening or continuing a street, lane, alley or sidewalk, the same shall remain a lien on said real estate until paid.

Freeholders to lay tax.

Sec. 10. The president and trustees shall, at the expiration of each year, cause to be made out and signed by the president, attested by the clerk, and published in some newspaper printed in said village, if one shall be printed therein, and if not, to be posted up in three of the most public places in said village, a true statement of the receipts and expenditures of the preceding year.

Statement of receipts and expenditures to be made and published.

Sec. 11. No by-laws or ordinances of said corporation shall have effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by notices posted up in at least three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered by the clerk upon the records of said corporation,

When by-laws to take effect; evidence of publication.

and the record thereof, shall be deemed *prima facie* evidence of said publication.

Taxes, how
apportioned
and collect-
ed.

Sec. 12. It shall be the duty of the trustees, once in each year, and immediately after the assessors have assessed the real and personal estate in said village, to estimate, apportion and set down in a separate column, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and they shall cause the assessment roll, or a copy of it, to be delivered to the collector of said village, with a warrant annexed to the same, under the hands and seals of said trustees, or a majority of them, directed to, and requiring him, to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names, as the tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money when collected, to the treasurer of said village, by a certain day, to be therein named, not less than forty days from the date of such warrant; and in case the goods and chattels distrained shall be sold for more than the amount of the tax or assessment, with the charges of such distress and sale, the surplus shall be paid to the owner of said goods and chattels on demand.

When real
estate to be
sold for
taxes.

Sec. 13. The tax upon real and personal estate with all assessments for the purposes named in the ninth section of this act, shall be put down in said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent per annum until paid, shall remain unpaid for two years from the date of the warrant, the treasurer of the said village shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes, assessments, and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement printed in some newspaper within the county, or by notices posted up in three of the most public places in said village; and an affidavit of said publication,

recorded in the manner prescribed in the eleventh section of this act, and its record shall be deemed prima facie evidence of its publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and the charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sum paid therefor and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer, for the use of the purchaser his, her their administrators, executors or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent per annum from the date of such certificate, the treasurer, or his successor in office, shall at the expiration of the two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon: *Provided*, That no such conveyance shall have any effect in the law, unless such sale and all the proceedings upon which the same is founded, shall be in all things in conformity with the provisions of this act.

Sec. 15. The treasurer of said village shall receive the same fees as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale in pursuance of this act, shall by the treasurer be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

Sec. 16. The said corporation shall be allowed the use of the common jail in the county of Macomb, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail, shall be under the charge of the sheriff as in other cases.

Year's residence necessary to hold office.

Sec. 17. No person shall be eligible to any office in this corporation unless he shall have resided within the limits of said corporation one year next preceding his election.

Act to be favorably construed.

Sec. 18. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.

May be altered.

Sec. 19. This act may be altered, amended or repealed by any future legislature, with the assent of two-thirds of both houses.

Approved, March 9, 1838.

[No. 29.]

AN ACT to encourage the publication of the "History of Michigan," and of the "Gazetteer of Michigan," and to subscribe for three hundred copies of each.

Preamble.

Whereas, by the constitution of the state it is made the duty of the legislature to encourage by all suitable means, the promotion of intellectual and scientific improvement: and whereas, James H. Lanman, of the city of Detroit, has now in preparation a work to be entitled the "History of Michigan;" and whereas, John T. Blois of the same place, is also engaged in preparing a work to be entitled the "Gazetteer of Michigan," each of which will contain information useful to the people of this state: Therefore,

Three hundred copies of each subscribed for; to be distributed, &c.; price limited.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That three hundred copies of each of said works be and the same are hereby subscribed for by the state of Michigan; and that the governor be and he is hereby authorized to receive the same, when published and properly bound, on the part of the state, and to cause them to be distributed among the several organized townships and incorporated cities and villages in the state, one copy to and for the use of each organized township, city and village, to be deposited in the hands of the township clerk, mayor, or village recorder, as the case may be, and subject to the disposition of such township, city or village, and the residue thereof to be deposited in the state library, subject to the future disposition of the legislature: provided, the price of said history shall not exceed the sum of two dollars, nor the price of said gazetteer the sum of one dollar and fifty cents per copy.

Sec. 2. The governor is hereby authorized to receive said books for the purpose aforesaid, provided the same shall be delivered at the office of the secretary of state, well printed on good paper, and bound in calf or sheep, on or before the first day of May, A. D. 1839; and to certify the delivery and receipt of the same to the auditor general, who is hereby authorized, after receiving such certificate, to audit and allow the accounts for the same, and to draw his warrant on the treasurer for the amount thus ascertained to be due to the said Lanman or the said Blois, for such books, which warrants the treasurer is hereby authorized and required to pay out of any moneys in the treasury not otherwise appropriated.

How printed and bound, and when to be delivered; auditor to draw warrant for amount to be paid.

Approved, March 9, 1838.

[No. 30.]

AN ACT to amend an act entitled "An act to organize the counties of Ionia and Van Buren," approved March 18, 1837.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all circuit courts to be held in and for the county of Van Buren, previous to the first day of January, one thousand eight hundred and forty, shall be held at such place within said county as the board of supervisors for said county shall direct.

Circuit courts in Van Buren previous to January, 1840, where held.

Sec. 2. This act shall take effect and be in force on and after the first day of November next.

Act to take effect.

Approved, March 13, 1838.

[No. 31.]

AN ACT granting to Hosmer Graham the right to keep and maintain a ferry across the Detroit river.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hosmer Graham and his assigns be and they are hereby empowered to keep and maintain a ferry across the Detroit river, at or near its mouth, between the villages of Gibraltar and Malden; and the said privilege is hereby declared to be vested in the said Graham, or his assigns,

Ferry between Gibraltar and Malden.

for and during the term of ten years from the first day of May, one thousand eight hundred and thirty-eight.

Landing places to be made and a steam ferry-boat provided.

Sec. 2. The said Hosmer Graham, or his assigns, shall, on or before the expiration of eight months from and after the passage of this act, make or cause to be made good and suitable landing places, at the point or points where he shall establish a ferry, and shall build or cause to be built a good and sufficient steam ferry boat or boats conveniently constructed for safety and for the purposes of transporting passengers, baggage, carriages, horses, cattle and produce, and to be furnished with suitable implements or machinery for propelling, and so many men as may be required for the safe navigation of the same; and in case he shall neglect or refuse so to do, in the time above specified, then and in that case, all the rights and privileges hereby granted shall be null and void.

Boat to take passengers, &c. between sunrise and sundown;

Sec. 3. The said boat or boats shall be in readiness to take passengers, teams, carriages, goods and chattels, at all times when it shall be reasonable and safe to cross said river, between sunrise and sundown.

Tolls.

Sec. 4. The said Hosmer Graham and his assigns, shall and may be allowed to collect the following tolls: from the first of November to the first of April, for each passenger fifty cents; for man and horse one dollar; for carriage with single horse, driver and goods, two dollars; for carriage, wagon or cart with two horses, goods and driver, two dollars and fifty cents, for each additional passenger, thirty-seven and a half cents; for empty wagon or carriage with two horses and driver, two dollars; for additional horse, mule or ox, fifty cents; for head of cattle, when more than four, fifty cents each; for head of cattle, when four or less, seventy-five cents each; for calf under two years old, sheep or hog, eighteen and three-fourth cents each: From April first to November first, for each passenger, thirty-seven and a half cents; for a man and horse, one dollar; for carriage with single horse, goods and driver, one dollar and fifty cents; for carriage, wagon or cart with two horses, goods and driver, two dollars; for empty wagon, carriage or cart, with two horses and driver, one dollar and seventy-five cents; for each additional passenger, twenty-five cents; for each additional horse, mule or ox, fifty cents; for head of cattle, when more than four, fifty cents each; for head of cattle, when four or less, sixty-two and a half cents each; for

calf under two years old, sheep or hog, twelve and a half cents each.

Sec. 5. If it shall at any time appear to the circuit court of the said county of Wayne, upon sufficient evidence, that the said Hosmer Graham, or his assigns, have neglected or refused to comply with the directions of this act in keeping the ferry aforesaid, according to the fair intent and meaning thereof, it shall and may be lawful for the said court to adjudge that all the privileges granted to him by this act, shall cease and be void.

Circuit court of Wayne may take away privileges granted.

Sec. 6. The legislature may alter or amend this act, whenever it shall be deemed necessary to promote the public good.

Act may be altered, &c.

Approved, March 14, 1838.

[No. 32.]

AN ACT to encourage the manufacture of sugar from the beet.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the state grant a bounty of two cents a pound on every pound of dry sugar, manufactured from the beet, within the limits of the state, to be allowed and paid in the manner hereinafter provided.

Bounty for sugar manufactured from beet.

Sec. 2. Every person intending to apply for such bounty shall go before one of the justices of the peace of the township or county in which the applicant shall reside, and shall then and there be sworn by such justice, and state on oath the time when and place where such sugar, naming the number of pounds, which shall not be less than ten pounds, shall have been manufactured, and shall there exhibit and deposite a specimen of the same, not less than one pound, which shall be held subject to the order of any vice-president of the state agricultural society, which several facts shall also be sworn to by one or more persons connected with the manufacture of the said sugar; and the statement made by the said applicant, shall be reduced to writing in the form of an affidavit, which shall be subscribed by the person making it, and attested to by the said witness, and the said justice shall deliver to the person so applying, a certificate of the fact, annexing thereto the original affidavit made and subscribed by such

Applicant to obtain certificate; certificate to be numbered.

person ; and every justice who shall issue any such certificate, shall regularly number all the certificates issued by him.

And be delivered to county commissioner ; commissioners to award bounty.

Sec. 3. The certificate, with the affidavit so taken, shall, within ten days after the date thereof, be delivered to one of the county commissioners of the same county, who shall lay such certificate and affidavit before the board at their next meeting. If the board shall be satisfied that such certificate and affidavit is just and correct, they shall award to the person to whom such certificate shall have been granted, the bounty above specified, and shall cause the certificate to be filed with their clerk.

Duplicate certificate to be delivered to county treasurer, who is to pay bounty.

Sec. 4. Duplicate certificates, stating all the bounties that shall have been allowed by the board at any meeting, shall be made under their direction, and after being certified by their chairman and clerk, shall be delivered to the county treasurer, who shall thereupon pay to the several persons named in such certificate, out of any moneys in the county treasury, the bounties to them respectively.

County treasurer to charge state treasurer, &c.

Sec. 5. The county treasurer shall charge to the treasurer of the state, all bounties allowed by the board of county commissioners of their respective counties, and shall transmit an account thereof to the auditor general, accompanied by one of the duplicate certificates received from the board of commissioners. The several county treasurers shall also preserve and transmit with such account, a certified copy of the original certificates and affidavits, filed with the clerk of the board of commissioners, upon which the bounties mentioned in said account shall have been allowed.

Amount paid from state treasury.

Sec. 6. Every sum allowed by the board of commissioners, from which the same shall have been transmitted, shall be paid out of the treasury of this state, to the treasurer of such county, upon the warrant of the auditor general.

False certificate.

Sec. 7. If any justice of the peace who shall be applied to for a certificate under this title shall willfully give a false certificate in the premises, such justice shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, the fine not exceeding one thousand dollars, and the imprisonment not exceeding two years.

Act limited to four years.

Sec. 8. This act shall continue in force for the space of four years from its passage.

Approved, March 15, 1838.

[No. 34.]

AN ACT to organize certain townships, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the county of Ingham designated in the United States survey as townships three and four north, of ranges one and two west, be and the same is hereby set off and organized into a separate township, by the name of *Alaiedon*; and the first township meeting therein shall be held at the school-house in Jefferson village, in said county.

Sec. 2. All that portion of the county of Cass designated in the United States survey as township number eight south, of range number sixteen west, be and the same is hereby set off and organized into a separate township, by the name of *Milton*; and the first township meeting therein shall be held at the house of Peter Truitt, junior.

Sec. 3. All that portion of the county of Eaton designated in the United States survey as township number two north, of range numbers five and six west, be and the same is hereby set off and organized into a separate township, by the name of *Kalamo*; and the first township meeting therein shall be held at the house of Alanzo Stebbins, in said township.

Sec. 4. All that portion of the county of Calhoun designated in the United States survey as township number three south, of range seven west, be and the same is hereby set off and organized into a separate township by the name of *Newton*, and the first township meeting therein shall be held at the house of Daniel Merrill, in said township.

Sec. 5. The next township meeting for the township of Seneca, county of Lenawee, shall be held at the house of Jesse W. Thayer, in said township.

Sec. 6. All that part of township nine south, of range five east, lying within this state, be and is hereby attached to the township of Blissfield, in the county of Lenawee.

Approved, March 15, 1838.

[No. 35.]

**AN ACT to authorize the State Treasurer to receive
certain bank bills for state taxes.**

What money
to be receiv-
ed by state
treasurer of
county treas-
urers in
payment of
taxes for
1837.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the state be and he is hereby authorized to receive from the county treasurers of the respective counties in this state, in payment of the taxes for the year eighteen hundred and thirty-seven, such current bank bills of the banks in this state, as may have been received by the said county treasurers for such taxes: *Provided*, That each of the said county treasurers shall, at the time such bills shall be paid to the state treasurer, make, subscribe and file with him an affidavit that the bills so paid are the same identical bills received by him for taxes from the several collectors in his county.

From sheriffs
of the several
counties;
affidavit, &c.

Sec. 2. That the state treasurer be authorized in like manner to receive from the sheriffs of the several counties in the state, such amount of bank bills as he shall have received for licenses or other debts due to the state, on or before the first day of February, A. D. 1838, provided such sheriffs shall severally subscribe and file with such treasurer an affidavit that the bills so paid are the identical bills received for licenses and other debts due to the state. The affidavit in this and the preceding section directed, may be taken by the state treasurer, or by any competent authority authorized to administer oaths, which shall be in the form following:

State of Michigan, }
County of } ss.

I, treasurer (or sheriff) of the county of do solemnly swear that the sum of this day paid by me to the treasurer of the state of Michigan, and particularly specified in the list hereto annexed, is the identical money paid to me by the several collectors of the said county, for taxes collected by them (or by the sheriff of the said county for licenses or other debts due the state, as the case may be,) and that no part of the said sum has been exchanged by me, or furnished for the purpose of making the said payment.

Sworn and subscribed before me,
this day of A. D. 18 }

Provided always, That if the state treasurer shall be satisfied

with any current bank bills tendered to him in payment of the state taxes, or for moneys otherwise due the state, he may dispense with any affidavit as herein required."

Sec. 3. That no county treasurer or sheriff shall be entitled to the benefit of the provisions of this act, who shall neglect to pay over to the state treasurer the sums due to the state for taxes, within sixty days from the passing of this act.

Who not entitled to benefit of act.

Sec. 4. That the treasurer of the state shall cause a copy of this act to be transmitted forthwith to each of the county treasurers and sheriffs of the state.

Copies to be transmitted to treasurers and sheriffs.

Approved, March 15, 1838.

[No. 36.]

AN ACT to authorize the president and trustees of the village of New Buffalo to borrow a certain sum of money.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the president and trustees of the village of New Buffalo, are hereby authorized and empowered to contract a loan for the use of said village, for any sum of money not exceeding twenty thousand dollars, for such term not exceeding twenty years, as they may deem expedient, and at a rate of interest not exceeding six per centum per annum, on condition that two-thirds of the qualified electors of said village will concur, as shall appear by their ballots, for or against, given at their annual election to be holden on the first Monday of April next, which sum of money, if so raised, shall be applied exclusively for the improvement of the mouth of the Galien river, in such manner as to admit vessels navigating Lake Michigan within its harbor, and which shall be expended under the direction of said president and trustees.

President and trustees may borrow a sum not exceeding twenty thousand dollars, on certain conditions.

Approved, March 19, 1838.

[No. 37.]

AN ACT to amend an act entitled "An act to organize certain townships, and for other purposes," approved March 6, 1838.

First township meeting of Charleston to be held at H. P. Fletcher's.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first township meeting of the township of Charleston, shall be held at the house of H. P. Fletcher, according to the provision of the act to which this is amendatory.

Approved, March 19, 1838.

[No. 38.]

AN ACT to vacate a certain road in the village of Otsego.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the highway or road lying in the village of Otsego, east of Fair street, be and the same is hereby vacated; and that the street shall be the highway, according to said village plat, recorded in the register's office of the county of Allegan.

Part of village plat vacated.

Sec. 2. That portion of said village plat which lies east of Platt street and south of Hammond street, be and the same is hereby vacated.

Approved, March 19, 1838.

[No. 39.]

AN ACT authorizing the building of a certain dam therein named.

Dam across east branch of St. Joseph river.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eli Ford and his associates, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the east branch of St. Joseph river, in the county of Berrien, on section number eighteen of town six south, range seventeen west, and said dam shall not exceed four feet in height above common low water mark: *Provided*, the rights of individuals are not thereby infringed,

the navigation of said river not impeded, nor the improvement by the state of the navigation of said river St. Joseph be at any time thereby impeded or interfered with.

Approved, March 19, 1838.

[No. 40.]

AN ACT to authorize the erection of certain dams therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William G. Wheaton and Lorenzo Sprague, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across Grand river, on the south-east quarter of section thirty-four, town five north, of range four west, in the county of Eaton ; and said dam shall not exceed five feet in height above common low water mark, and shall contain a convenient lock, not less than seventy feet in length, and sixteen feet in width in the clear, for the passage of boats, canoes, rafts and other water craft.

Sec. 2. Charles A. Trowbridge, Alexander Goodell, Reuben B. Gibson, Orson E. Hall and Thomas W. Hill, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Lookingglass river, in the county of Clinton, on the north-west fraction of the south-west quarter of section number eight, in township five north, of range three west ; the said dam shall not exceed six feet in height above common low water mark, and shall contain a convenient lock, not less than seventy feet in length, and sixteen feet in the clear in width, for the passage of boats, canoes, rafts and other water craft.

Sec. 3. That John D. Pierce, and such other persons as he may associate with him, be and they are hereby authorized to construct a dam across the Kalamazoo river, on section thirty, town two south, of range six west, in the county of Calhoun, which said dam shall not exceed five feet in height above common low water mark, and shall contain a convenient lock, not less than seventy-five feet in length, and fifteen feet in width, for the passage of boats, canoes, rafts and other water-craft.

Sec. 4. It shall be the duty of the persons authorized in the preceding sections of this act to build said dams, at all times to keep in good repair, &c.

keep the said locks in the same in good repair ; and they shall, at all reasonable times, pass any water craft which can be admitted into said locks through the same free of toll, without any unnecessary delay ; and any person who shall be unnecessarily detained, shall be entitled to recover of the said owners double the amount of damages they shall prove to have sustained by reason of such detention.

Destroying
or injuring
dam or locks.

Sec. 5. Any person who shall destroy, or in anywise injure either of said dams or locks, shall be deemed to have committed a trespass upon the owners thereof, and shall be liable accordingly ; and any person who shall willfully and maliciously destroy or injure either of said locks or dams, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owners may have sustained, or be imprisoned at the discretion of the court : *Provided*, such imprisonment shall not exceed three calendar months.

Not to flow
lands of
other per-
sons, &c.

Sec. 6. Nothing herein contained, shall authorize the individuals named in this act, their heirs or assigns, to enter upon and flow the lands of any person, without the consent of such person ; and they shall remove all such nuisances as may be occasioned by the erection of said dams, which may endanger the health of the vicinity.

Act may be
amended.

Sec. 7. The legislature may at any time so alter or amend this act, as to provide for the navigation of the said rivers.

Approved, March 20, 1838.

[No. 41.]

AN ACT to authorize the loan of a certain sum of money to Bethuel Farrand, to aid in manufacturing silk.

Treasurer of
state author-
ized to loan
him eight
hundred
dollars.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the treasurer of this state be and he is hereby authorized to loan to Bethuel Farrand, of the county of Washtenaw, the sum of eight hundred dollars, out of any money in the treasury of the state not otherwise appropriated : *Provided*, That the said Bethuel Farrand shall execute to said treasurer a bond, with one or more good and sufficient sureties, conditioned for the repayment of said money within three years, with interest, secured by mortgage on unincumbered real estate in twice the amount of said sum : *Provided further*, said Bethuel

Farrand shall execute to said treasurer a bond satisfactory to him, conditioned to expend the said sum of money in procuring machinery for the manufacturing of silk within this state.

Approved, March 20, 1838.

[No. 42.]

AN ACT to amend an act entitled "An act to incorporate the mechanics' society of the city of Detroit."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the mechanics' society of the city of Detroit shall have full power to levy and collect a tax of each one of its members, not exceeding ten dollars of each member in any one year, should they deem it necessary so to do, for promoting the best interests of said society: *Provided*, That no tax shall be levied unless notice thereof shall have been published in one of the newspapers printed in the city of Detroit, at least two weeks previous to the term [time] of levying the same.

May levy and collect a tax of its members.

Sec. 2. Five members of said society shall constitute a quorum for transacting business.

Five a quorum.

Sec. 3. The act to which this is amendatory, shall be in force, and the said society shall continue to enjoy all its corporate powers, rights and privileges, until the first day of May, in the year one thousand eight hundred and sixty; and so much of said act as contravenes the provisions of this act, is hereby repealed.

Original act extended to 1860.

Sec. 4. The legislature may alter, amend or repeal this act at any time.

Act may be amended.

Sec. 5. Nothing in this act contained, shall have any effect in the law, unless within two months from the passing thereof, at a full meeting of the members of said corporation, the said mechanics' society of the city of Detroit, duly convened, and upon due notice by advertisement in some newspaper printed in Detroit, published and continued in such newspaper at least three weeks previously, shall, by a vote of at least two-thirds of all the members thereof, express their full and free assent thereto, and to all the provisions thereof.

Society to give its assent to this act, or act not to take effect.

Approved, March 20, 1838.

[No. 43.]

AN ACT to incorporate the village of Allegan.

Corporation
limits and
name.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of land embraced in section twenty-eight, town two north, of range thirteen west, in which the county site of Allegan county was located, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the "Village of Allegan."

When presi-
dent, record-
er and trust-
ees to be
elected;
term of office,
&c.

Sec. 2. It shall be lawful for the free male inhabitants of said town, having the qualifications of electors, to meet at some convenient place in the said village of Allegan, on the first Monday of May next ensuing, and on the first Monday of May annually thereafter, and then and there proceed, by plurality of votes, to elect by ballot a president, recorder and six trustees, who shall hold their offices one year and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if an election of president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed.

Judges of
election;
poll to be
opened, &c.;
notice of
election.

Sec. 3. At the first election to be holden under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of him by this act; and at all subsequent elections, the trustees or any two of them shall be judges, and the recorder clerk of the election; and at all elections to be held under this act, the poll shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at five o'clock in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall make a true record thereof; and within five days after such election, the said clerk shall give notice to the persons elected, of their election; and it shall be the duty of the said town council, at least five days before each and every annual election, to give notice of the same, by posting up notices in three public places in said town.

Sec. 4. It shall be the duty of the president, and in his absence, ^{President to preside at meetings; recorder to keep record thereof.} of the recorder, to preside at all meetings of the village council; and it shall also be the duty of the recorder to attend all such meetings and keep a fair and accurate record of their proceedings; and in the absence of such recorder, the president and directors [trustees] shall have power to appoint a deputy.

Sec. 5. The president, recorder and trustees of said village of ^{President, recorder and trustees a body corporate, &c.} Allegan, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "The President and Trustees of the Village of Allegan," and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said village, sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy thereof shall be left with the recorder, at least eight days before the return thereof.

Sec. 6. The officers elected by virtue of this act, shall each, ^{Oath of office.} before entering upon the duties of his office, take an oath or affirmation, to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office.

Sec. 7. The president, recorder and trustees shall have power ^{Powers of corporation; when by-laws to take effect.} to ordain and establish by-laws, rules and regulations for the government of said village, and the same to alter, repeal or reordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal, and other subordinate officers, which may be considered necessary for the good government and well being of said village; to prescribe their duties, declare their qualifications, and determine the period of their appointment, and the fees they shall be entitled to receive for their services; and to require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices; and may require of them such security for the performance of the duties of their respective offices as shall be thought necessary; said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation, such reasonable fines and penalties as they may deem proper, and to provide for the disposition of said fines and

penalties : *Provided always*, such by-laws and ordinances are consistent with the constitution and laws of the United States, and the constitution and laws of this state : *And provided also*, that no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village.

Annual statement of receipts and expenditures to be published.

Sec. 8. That the president and trustees shall, at the expiration of each year, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding year.

Electors may levy tax, &c.

Sec. 9. The electors of said village, in legal meeting assembled, shall have power to levy taxes on all personal and real estate, within the limits of said corporation, not exceeding one-half of one per centum upon said estate in any one year ; to regulate and improve the lanes and alleys, also to lay out new streets, lanes and alleys, and to determine the width of the sidewalks : *Provided*, That no property shall be taken from any individual, until said individual shall be paid therefor, the value thereof to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose ; they shall have power to remove all nuisances and obstructions from the streets and commons, and all other places of said village, and to provide for the removal of the same ; and to do all things which corporations of a similar nature can do to secure the peace, health, property and prosperity of the inhabitants of said town.

Meeting of electors, how called.

Sec. 10. All meetings called for the purposes contemplated in the preceding section of this act, shall be called by the president, or in his absence, by the senior trustee, by posting up written notices in three of the most public places in said village, at least three days previous to holding said meeting ; said notices shall specify the time and place of holding said meeting, and the purposes for which said meeting shall be called.

Recorder's fees ; president and trustees to receive no compensation.

Sec. 11. The recorder shall receive such fees for his services, as the by-laws and ordinances of said corporation shall prescribe ; but the president and trustees shall receive no pecuniary compensation.

President and trustees may levy tax.

Sec. 12. For the purpose of enabling the president and trustees to carry into effect the provisions of this act, they are hereby

authorized to lay a tax on all real and personal estate within the bounds of the corporation, as the same has been, or shall be appraised: *Provided*, That the said tax shall not exceed in any one year, one-half of one per centum of the aggregate amount of the real and personal estate, within the limits of said village; and the president, recorder and trustees shall, between the first Monday of April and May, in each year, determine the amount of tax to be assessed and collected the current year.

Sec. 13. It shall be the duty of the president, recorder and trustees, to make out a duplicate of taxes, charging each individual therein, an amount of tax, in proportion to the real and personal estate of such individual, within said village, which duplicate shall be signed by the president and recorder and delivered to the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Duplicate of taxes, &c.

Sec. 14. The said collector shall have power to sell personal estate, and for want thereof, to sell real estate for the non-payment of taxes within said village; and in case of sale of real estate, the said collector shall prosecute the sale in the same manner, and with the same effect in all respects, as is provided by law for the sale of real estate by sheriffs; and all real estate so sold, shall be liable to be redeemed in the same manner as lands sold by the sheriff may be redeemed.

Collector may sell real estate for taxes; redemption thereof.

Sec. 15. The said village shall be allowed the use of the common jail of Allegan county, for the imprisonment of any person liable to imprisonment under the ordinances of said village; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases.

Corporation may use county jail.

Sec. 16. The president, recorder, trustees and freemen of said village, are hereby authorized and empowered to contract a loan for the use of said village of Allegan, not exceeding twenty thousand dollars, for such time not less than fifteen years and on terms not exceeding seven per centum per annum, as they may deem expedient: *Provided*, The electors of said village, in legal meeting assembled, shall by a vote of a majority so assembled, authorize said loan to be made.

May contract a loan.

Sec. 17. The said town council shall have and exercise the same powers within the limits of said village, as may by law be exercised by commissioners of highways in the several townships

Overseers of highways.

in this state ; and shall appoint overseers of highways to superintend, repair and keep in order the highways, streets and alleys ; and the said council shall cause a tax to be levied within said limits, in such manner and under such restrictions as taxes are or may be by law levied for constructing, opening and repairing the highways in said townships.

Shows ;
drains ; side-
walks ; lum-
ber ; hay.

Sec. 18. The said council shall have the sole right of licensing and regulating any shows, plays or other exhibitions, the amount of which license shall be paid into the treasury ; to construct and keep in repair drains, sewers and sidewalks ; to provide for regulating and measuring all kinds of lumber and firewood, and weighing of hay ; and to enact all by-laws necessary and proper for giving effect to the foregoing powers.

If president,
recorder, or
trustees, are
not chosen at
time appoint-
ed for annual
election, or
refuse to
serve, a spe-
cial election
may be held.

Sec. 19. If the freemen, qualified to vote at elections of said village, at the time appointed for any annual election or other meeting for the choice of president, recorder or trustees, or either of them, shall neglect or fail to choose such officers from any cause whatever, or shall fail to hold such annual election or other meeting, or in case any officer chosen shall refuse to serve, or dies, or removes out of the said limits, or becomes incapable of serving, from any cause, before the next annual election after he shall be chosen, the qualified electors of said village, may at any time thereafter, and it shall be their duty, within fifteen days after the happening of such contingency, to choose another president, recorder, trustee or trustees, as the case may require. And the said council, or the president or recorder, shall call an election for that purpose, in the manner prescribed in section third of this act.

President to
issue execu-
tions on
judgments
rendered by
council.

Sec. 20. It shall be lawful for the president, whenever judgment has been rendered by said council against any person or persons within said limits, for breach of any of the by-laws or ordinances of said village, to issue an execution, directed to the marshal or any constable of the county of Allegan, whose duty it shall be to levy and collect the same in the manner prescribed by law for the collection of executions issued by justices of the peace.

Act to be
favorably
construed.

Sec. 21. This act shall be favorably construed and received in all courts of justice as a public act ; and copies thereof printed under the authority of the legislature, shall be received as evidence, without further proof.

Sec. 22. This act may be altered, amended, or repealed by ^{May be repealed.} any future legislature.

Approved, March 20, 1838.

[No. 44.]

AN ACT releasing to the United States fourteen sections on the Niles, and sections twenty-five and thirty-six on the Nottawasepe reserves, upon certain conditions.

Whereas, the state of Michigan did, in the fall of eighteen hundred and thirty-six, locate fourteen sections of land on the Niles reserve, and sections number twenty-five and thirty-six in town five south, of range ten west, on the Nottawasepe reservation, for the purposes of a seminary of learning, which have since been confirmed to the state ; and whereas, said locations were made upon the improvements of actual settlers ; therefore,

Be it enacted by the Senate and House of Representatives of the State of Michigan, That on the passage of an act by congress, at its present session, granting its assent to a release of said sections by this state, and authorizing the state to relocate in their stead the same number of sections elsewhere, for the purposes of a seminary of learning, and on the certificate of John Mullet, of the city of Detroit, who is hereby authorized and requested to proceed forthwith and select other sixteen sections in their place and stead, and on his filing with the executive of this state a certificate to the effect that he has selected other unoccupied lands of equal value, deducting the value of the improvements, the said sixteen sections be and the same are hereby released.

Approved, March 20, 1838.

[No. 45.]

AN ACT relative to firemen.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That firemen belonging to any fire engine, axe, hook and ladder or hose company, organized in pursuance of law, and chief and assistant engineers, during their

^{Firemen exempt from military and jury duty, except in time of insurrection or invasion.}

service and after serving the time hereinafter mentioned, shall be exempted from all military duty, except in time of insurrection or invasion, and shall also be exempted from serving on a jury in any of the courts of this state: *Provided*, That the number of firemen actually belonging to such organized company or companies, shall not exceed at any one time, in the aggregate, the number of sixty persons for and to each fire engine then actually owned or used by the city or incorporated town in which such company or companies may be, and in like proportion for as many fire engines as in such city or town there may be, belonging to or used by such city or town.

Persons serving seven years exempt.

Sec. 2. Any person who shall serve seven years from and after the passage of this act, shall thereafter be exempt from jury and military duty, provided such services were performed after such person had arrived at the age of eighteen years.

Services heretofore when computed as a part of the seven years.

Sec. 3. Every person who at the time of the passing of this act, being a member of such company, shall have been and continued a fireman within such city or incorporated town for the space of two years, and shall faithfully serve as such six years thereafter; every fireman who shall have been and continued such, at said time and for three years previous, and shall faithfully serve as such five years thereafter; every person who shall have been and continued such fireman for four years previous, and shall faithfully serve as such four years thereafter; every such fireman who shall have been and continued such for five years previous, and shall faithfully serve as such three years thereafter; every person who shall have been and continued such fireman for six years previous, and shall faithfully serve as such for two years thereafter; and every person who shall have been and continued such for seven years, or for any period of time over seven years, and shall faithfully serve as such for one year thereafter, shall be entitled to all the privileges and exemptions hereinbefore mentioned, for so long a time as such person may continue to reside in and be a citizen of such city or incorporated town; and the privileges and exemptions in this section specified, shall extend to all chief or assistant engineers who shall respectively have served as such for the time or times herein mentioned, either as such engineers or assistant engineers respectively for the whole of such time, or for a part of the time as such engineers or assistant engineers, and for the rest of the time as such fireman.

Sec. 4. A certificate, under seal, from the clerk of the city or corporation in which the aforesaid terms of service may have been performed or completed, shall be sufficient evidence thereof, ^{Certificate of service; evidence thereof.} and the said clerk shall moreover furnish to the board of supervisors or other officers by law appointed to select grand and petit jurors within and for the proper county, an accurate list of all persons so as aforesaid exempted, at the time, each year, when such grand or petit jurors are or hereafter may be required to select the same.

Sec. 5. Any fireman or chief or assistant engineer who may be disabled, while in the discharge of his duty, so that he cannot afterwards efficiently perform his proper service, shall be forever exempt from jury duty, and the certificate of any physician or surgeon in regular standing, together with the certificate of the engineer or assistant engineer in this state, shall be sufficient evidence thereof. ^{Disabled firemen.}

Sec. 6. All acts and parts of acts, contravening the provisions of this act, be and the same are hereby repealed. ^{Repeal.}

Approved, March 20, 1838.

[No 46.]

AN ACT to amend an act entitled "An act for the relief of the inhabitants of Penn township."

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the time for persons who may be appointed to appraise the value of improvements and products on school lands in Penn township, and report, be extended to the first day of July next.

Approved, March 22, 1838.

[No. 47.]

AN ACT to prevent the circulation of bills or tickets of a less denomination than one dollar.

Paper currency of a less denomination than one dollar not to be issued or passed after 16th May, 1838; persons offending liable to indictment, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the sixteenth day of May, A. D. one thousand eight hundred and thirty-eight, it shall be unlawful for any individual, company or corporation, to issue, pass or offer to pass within this state any note, check, draft, bank bill, or any other paper currency of a less denomination than one dollar, and if any person, company or corporation shall violate the provisions of this section, the person so offending, or in case of any corporation so offending, the officer of any such corporation for the time being, shall be liable to indictment by the grand jury of the county where the offence shall have been committed, and the persons so offending, or the officers of the company or corporation so offending, shall on conviction thereof be fined in a sum not exceeding fifty dollars, at the discretion of the court, for each offence; one-half of said fine shall go to the person or persons who shall prosecute the same to judgment, the other half shall be paid to the county where the offence shall have been committed, for the use of the poor of said county: *Provided,* That the person so offending and the officers of any corporation shall also be liable to pay the amount of any note, bill, draft, check or other paper constituting part of said currency to any holder thereof, with twenty-five per cent damages for non-payment on demand and costs of suit, and in case of judgment for plaintiff, execution thereon may be had forthwith, and it shall be the duty of the prosecuting attorney to commence prosecutions against all persons and every corporation offending against this act, of which he shall have knowledge or probable information.

Not to be put into circulation for first time after passage of this act.

Sec. 2. That from and after the passage of this act it shall be unlawful for any individual, company or corporation to issue de novo, or knowingly to pass or procure to be issued, passed or circulated within the said state, any note, check, bank bill or other paper medium, evidently intended for common circulation, of a less denomination than one dollar, and which shall be issued and circulated for the first time after the period above limited in this section, under the penalties provided in the foregoing section.

Approved, March 22, 1838.

[No. 48.]

AN ACT to authorize the appointment of receivers in Chancery in vacation.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the chancellor shall have power to appoint receivers in all cases pending in chancery in either of the courts of this state, where such appointment is allowed by law, as well in vacation as during the sessions of the court.

Receivers may be appointed in vacation.

Sec. 2. Application for such appointment may be made to the chancellor at chambers, and shall be heard, under such regulations as he may prescribe, upon due proof that a reasonable notice in writing has been given of the intention to make such application, and upon its being shown to his satisfaction that the case is a proper one for the appointment of a receiver.

Application to chancellor at chambers.

Approved, March 22, 1838.

[No. 49.]

AN ACT relative to the state geological survey, and repealing an act entitled "An act to provide for a geological survey of the state."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the state geological survey, authorized and begun under an act entitled "An act to provide for a geological survey of this state," approved February 23d, one thousand eight hundred and thirty-seven, shall hereafter consist of four departments, to wit: first, geological and mineralogical; second, zoological; third, botanical; and fourth, topographical.

Geological survey to consist of four departments.

Sec. 2. The geological corps shall consist of the following officers, to wit; a state geologist, three chief assistants, to wit; a zoologist, botanist and topographer, to be appointed by the governor, on the nomination of the geologist, and four minor assistants, to be appointed by the governor, on the nomination of the heads of the respective departments, in the manner following, that is to say: the state geologist shall have and nominate one minor assistant, the zoologist two, and the botanist one.

Officers of geological corps, and their appointment.

Sec. 3. The state geologist shall conduct the geological and mineralogical department, and exercise a general supervision over

Who conduct the several departments.

the whole survey; the zoologist shall conduct the zoological department; the botanist the botanical, and the topographer the topographical.

Duty of geologist, zoologist and botanist.

Sec. 4. It shall be the duty of the state geologist, zoologist and botanist, accurately to examine in all parts of the state its characters in their respective departments and collect specimens illustrating the same.

Of topographer.

Sec. 5. It shall be the duty of the topographer, under the direction of the state geologist, to make accurate and scientific maps of the different portions of the state, and diagrams upon all subjects necessary for more fully illustrating the survey.

Of minor assistants.

Sec. 6. It shall be the duty of the minor assistants to aid in the respective departments for which they are appointed.

Chief assistants to make annual report to geologist, and he to legislature.

Sec. 7. It shall be the duty of the chief assistants to make reports annually to the state geologist, on or before the second Monday in January, setting forth the progress and results of their labors in their respective departments; and the state geologist shall make annually a similar report to the legislature, on the first Monday in February, with a general account of the progress and results of the survey, to which shall be appended the reports of the chief assistants.

Specimens to be collected, &c.

Sec. 8. Specimens shall be collected and preserved in the following manner, to wit: first, the state shall be supplied with single and good specimens; second, if more similar specimens than one can be found, sixteen more, if possible, shall be procured, to be distributed by the regents amongst the university and its branches.

Annual appropriation for three years, &c.

Sec. 9. The annual sum of twelve thousand dollars, for each year intervening between the first day of March, one thousand eight hundred and thirty-eight, and the first day of March, one thousand eight hundred and forty-one, is hereby appropriated, to defray the expenses that may be incurred under this act, to be paid out of the treasury from any money not otherwise appropriated, at such times and in such manner as provided for in the succeeding section of this act; but to entitle the university and its branches to any of the benefits of this act, of the aggregate amount herein appropriated, four thousand dollars shall be refunded to the state treasury from the university fund, in the manner following, to wit: in equal quarter yearly instalments for the whole period within which the completion of the survey is herein

contemplated; and within one month from the passage of this act, the regents of the university shall file in the office of the secretary of state their assent to the provisions thereof.

Sec. 10. Of the money to be appropriated, as in the preceding ^{Salaries.} section, the state geologist shall receive quarter yearly for his services, the annual salary of two thousand dollars; the zoologist and botanist in like manner, each fifteen hundred dollars; the topographer one thousand dollars; and each of the minor assistants shall receive eight hundred dollars, excepting the chief assistant of the zoologist, who shall receive one thousand dollars; and the remaining twenty-six hundred dollars shall be a fund to defray the contingent expenses of the several departments, to be drawn by the geologist as occasion may require, an account of the expenditures of which he shall render to the legislature with his annual report.

Sec. 11. The act entitled "An act to provide for a geological ^{Former act} survey of the state," is hereby repealed; but the passage of this ^{repealed.} act shall not render necessary the reappointment of the state geologist, or either of the chief assistants already appointed under the said act so repealed.

Approved, March 22, 1838.

[No. 50.]

AN ACT to regulate the terms of the circuit court, in the counties of Livingston and Monroe.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the terms of the circuit court for the counties of Monroe and Livingston be held as follows: In the county of Monroe, on the first Tuesdays of June, November and February of each year; in the county of Livingston, on the third Tuesday of May, and the third Tuesday of November in each year. ^{Terms.}

Sec. 2. All causes and other matters pending in either of said courts, and all writs or process issued, or to be issued, before the third day of April next, and made returnable at any time now fixed by law for the session of either of said courts, at the time this act is passed, shall be continued to or be taken and deemed to be returnable at the first term of said courts respectively hereby established, and shall be proceeded in by said courts respectively ^{Writs and matters pending continued.}

as fully and effectually as though the same had been regularly continued to, or made returnable at the first term of said respective courts hereby established. So much of any act as contravenes the provisions of this act, be and the same is hereby repealed.

This act shall take effect and be in force from and after its passage.

Approved, March 22, 1838.

[No. 51.]

AN ACT to vacate a part of the village plat of the village of Grand Traverse, and for other purposes.

Part of village plat vacated.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the village of Grand Traverse, in the county of Genesee, lying west of Macon street, north of Fifth street and east of St. John street, as the same is recorded in the register's office of said county, be and the same is hereby vacated and restored to the proprietors thereof as it existed previous to the location of said village.

Not to affect rights of purchasers.

Sec. 2. Nothing in the previous section of this bill contained shall be construed to affect the rights of persons having purchased village lots, in that part of said village hereby vacated, and any streets upon which lots may have heretofore been sold, shall remain and continue public highways.

Part of street in Gibraltar vacated.

Sec. 3. That so much of the street, known and designated on the village plat of the village of Gibraltar, county of Wayne, as is necessary for the erection of a light-house by the United States, be and the same is hereby vacated.

Approved, March 22, 1838.

[No. 52.]

AN ACT to alter the limits of the village of Canine.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the west half of the northwest quarter of section twenty-three, township seven south

range twelve west, be and the same is hereby excluded from the incorporated limits of the village of Constantine, in the county of St. Joseph.

Approved, March 22, 1838.

[No. 53.]

AN ACT authorizing the building of the state penitentiary.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor, by and with the advice and consent of the Senate, shall appoint three commissioners for the purpose of building a state penitentiary, in the village of Jacksonburgh, in the county of Jackson, and they are hereby authorized to build a prison, similar to the Auburn prison in the state of New York. (as recommended by the commissioners in their report,) with such variations as they shall think will best promote the interest of such institution, and shall also employ, in the construction of said prison, all the state prison convicts, under such rules and with such allowances as may hereafter be provided for by law; and the treasurer is hereby directed to pay over to the said commissioners, on the warrant of the auditor, such sum or sums of money as they may want, for the purpose of building said prison, not exceeding twenty thousand dollars, at such times as the same may be wanted for that purpose, out of any money in the treasury not otherwise appropriated.

Sec. 2. The said commissioners shall build and complete for the safe keeping of prisoners one wing of said prison, as soon as the same can be done, having due regard to economy, to the general plan of the whole building, and to the immediate wants of this state.

Sec. 3. That the said commissioners appointed under this act, before they enter upon the duties of the office, or be entitled to receive any money, shall give their bond, jointly and severally, to the people of this state, with sureties to be approved by the auditor of this state, for the sum of forty thousand dollars, in the condition faithfully and punctually to perform the duties required of them by this act; and it shall be the duty of the said commissioners to make a detailed report of all appropriations,

Commissioners to be appointed, &c.

One wing to be first built.

Commissioners to give bond; report to auditor general.

and the state and progress of the building, to the auditor general of this state, on or before the next meeting of the legislature, and as often as the auditor general shall from time to time require.

Governor to
negotiate
loan.

Sec. 4. That the governor of the state is hereby authorized and directed, in the name and in behalf of the people of this state, to negotiate a loan of twenty thousand dollars, redeemable at the pleasure of the state, at any time after the expiration of twenty years from and after the first day of January, 1839, at an interest not to exceed six per cent per annum, payable half yearly, said loan to be expended for the purpose of erecting the state penitentiary, in the aforesaid village of Jacksonburgh.

Acting com-
missioner
to be appoint-
ed; his com-
pensation.

Sec. 5. That said commissioners shall, as soon as may be, after the passage of this act, appoint one of their number acting commissioner, who shall receive two dollars and fifty cents per day, for every day that he may be actually employed in the business of constructing said penitentiary, and that the other two commissioners shall receive no compensation for any services which they may render in the premises.

Approved, March 22, 1838.

[No. 54.]

AN ACT further to establish the location of the state southern railroad.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of internal improvement be and they are hereby directed and required so to change the location of the southern railroad between Edwardsburgh and Bertrand as to pass through the village of Niles.

Approved, March 22, 1838.

[No. 55.]

AN ACT to provide for the improvement of state salt springs.

State geolo-
gist to bore
for salt.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the state geologist is hereby authorized and directed, so soon as practicable, at one or more of the state salt springs, to commence boring for salt.

Sec. 2. The geologist shall employ one or more assistants, To employ assistants. whose services shall be devoted exclusively to the objects herein intended; and the chief assistant shall be well skilled in the business of practical salt boring, and fully competent to superintend the same in the absence of the geologist.

Sec. 3. A sum not exceeding three thousand dollars is hereby Appropriation. appropriated to defray the expenses that may be incurred under this act, to be paid out of the internal improvement fund, from any money not otherwise appropriated, in equal instalments, on the first days of April and August next.

Sec. 4. The geologist shall make a report at the next regular Geologist to report to legislature. session of the legislature, on the fourth Monday of January, setting forth the expenditure of the money herein appropriated, and the progress and results of the work herein authorized.

Approved, March 24, 1838.

[No. 56.]

AN ACT to lay out and establish certain state roads, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* From Battle Creek to Grandville. That George Torry, Isaac Barns and Roswell Britain, be and they are hereby appointed commissioners to lay out and establish a state road running from Battle Creek through Gull Prairie, on the most eligible route to Grandville, in the county of Kent.

Sec. 2. That Mumford Eldred, junior, Isaac Otis and John Kalamazoo county seat to Barry county seat. Mills, be and they are hereby appointed commissioners to lay out and establish a state road running from Kalamazoo county seat to the county seat of Barry.

Sec. 3. There shall be laid out and established a state road, Kalamazoo county seat to territorial road near end of Tolard's prairie. from the county seat of Kalamazoo county up the south side of Kalamazoo river, to intersect the territorial road near the upper end of Tolard's Prairie at the second crossing of said river; and Ezekiel Lee, Marcus B. Hounsom and A. T. Prouty, be and they are hereby appointed commissioners for that purpose.

Sec. 4. Nothing in this act shall be construed so as to make the State not liable for expense. state liable for the expense or damage in laying out said roads.

Approved, March 24, 1838.

[No. 57.]

AN ACT to amend an act to organize the militia.

Governor to
complete
organization
of militia.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the governor of this state be and he is hereby required, within thirty days after the passage of this act, to complete or cause to be completed the organization of the militia of this state, as follows :

Designate
limits of
divisions, &c.
and appoint
certain offi-
cers.

Sec. 2. He shall cause the limits of each division, brigade and regiment to be designated in orders, and shall within ten days after the passage of this act, appoint, by and with the advice and consent of the legislature in joint assembly, a major general to each division, a brigadier general to each brigade, and a colonel to each regiment, and the officers of the general staff required by the act of the legislative council of twenty-third of April, one thousand eight hundred and thirty-three, or by this act: *Provided,* That all vacancies that may happen in the ranks of colonel, lieutenant colonel and majors, shall be filled by election by the commissioned officers of their respective regiments.

Each colonel
to divide the
limits of his
regiment into
company
beats, &c.

Sec. 3. Each colonel of a regiment, so appointed, shall within ten days after receiving notice of such appointment, cause the limits of his regiment to be divided into ten company beats; and by warrant under his hand, issued to some person within each of said company beats, shall cause such person to hold an election at some public place within said beat, three days' notice having been thereto given by advertisement in three of the most public places within said beat, at which election shall be chosen by the men subject to military duty residing within such beat, the officers of such company, to wit: one captain, one first lieutenant and two second lieutenants.

When gov-
ernor shall
appoint com-
pany officers;
lieutenant
colonels and
majors to be
elected.

Sec. 4. In case of any failure in the holding of such election, and the proper return of the names of such officers to the governor of the state, within thirty days after the passage of this act, the latter shall proceed to select and appoint the officers aforesaid to each company so failing; the colonel of each regiment shall order the company officers so elected, to assemble at such place and place as he shall designate, so soon as possible after the election, and then and there proceed to elect a lieutenant and major of said regiment.

Sec. 5. All officers so elected, or in default of election, selected officers commissioned by the governor so soon as governor shall be convenient.

Sec. 6. Elections to fill vacancies as company officers, shall be held when necessary thereafter, under warrant of the regimental commander, directed to the company commander; and commissions issued by the governor, agreeably to the returns of such elections.

Sec. 7. The commissions of every officer, and the warrants of all non-commissioned officers and musicians now in the militia of this state, shall expire as soon as their successors are appointed.

Sec. 8. In case any portion of the militia of this state shall be called out, under the order of the commander-in-chief, or of any general officer thereof, and the order so calling out such militia, shall announce that it is in consequence of invasion or insurrection or imminent danger thereof, or to support the execution of the laws of the land, every person liable to military duty within the portion of such militia so called out, who shall receive the legal notice, and who shall fail to repair, duly armed and equipped, to the proper rendezvous, and at the time appointed, shall be fined by sentence of a court martial, not less than five nor more than fifty dollars, for every day he shall be absent from his company, regiment or command, unless sufficient cause be shown to exempt him from such penalties.

Sec. 9. The legal notice required by the foregoing section, shall be a warning personally served or left at the usual place of abode of the person so warned, by an officer or non-commissioned officer, stating the time and place of such rendezvous.

Sec. 10. With a view to the organization directed in the first section of this act, the governor of the state shall, from the last census, apportion the beat of each regiment so as to embrace as near as may conveniently be, eight hundred and fifty men liable to military duty, two of which regiments, with such proportion of artillery or cavalry as the commander-in-chief deems proper, shall constitute a brigade, and two brigades a division: *Provided*, The bounds of regiments and companies shall conform to the lines of counties and townships, as far as may be practicable.

Sec. 11. Whenever a number of persons subject to military duty, not less than thirty-two nor greater than one hundred, shall associate together for the purpose of forming a troop of cavalry,

or a company of artillery, light artillery, riflemen, grenadiers, light infantry, or infantry, and shall, with the consent of the commanding officer of their brigade, apply to the commander-in-chief through the adjutant general, to be organized as such, and shall designate the persons for commissioned officers, and shall describe the uniform which they propose to adopt, the commander-in-chief may so organize such company, and commission such officers, and in orders direct the adoption of such uniform, should he approve of the same.

Elect non-commissioned officers.

Sec. 12. Such company shall, under the orders of the captain thereof, proceed to elect non-commissioned officers.

Captain to serve copy of order, &c.

Sec. 13. The captain of such company shall immediately thereafter serve on every other captain within the beat of whose company any member of the said volunteer or uniform company may reside, a copy of the order of the commander-in-chief organizing such company, and a list of the men residing within such beat, and joining such uniform or volunteer company.

Men to be dropped from rolls of other companies.

Sec. 14. Such men shall be dropped from the rolls of the captain within the limits of whose company they reside: and shall be thenceforth borne on the rolls of the captain of such uniform or volunteer company.

When supplied with arms and accoutrements.

Sec. 15. The commander-in-chief may direct the issue to the commander of such uniform or volunteer company from the arsenals, armories or magazines of the state, of the proper arms and accoutrements for such company, the members of such company receipting to said commander and holding themselves accountable each for his own proportion thereof; and liable, at all times, to return in good order such arms and accoutrements, whenever so directed by the commander-in-chief.

To parade five days in each year.

Sec. 16. Such company shall parade at least five days in each year, at such times as shall be ordered by the commander of such company, and under such regulations as shall be hereafter ordered and fixed by the commander-in-chief.

To be inspected.

Sec. 17. Such company shall be from time to time inspected by the brigade inspector, at such time and place as he shall direct, and the commander of such company shall accordingly fix one the days of parade for such company, on such day and at such place as shall be directed by the brigade inspector.

Exempt from poll tax and jury duty; when from military duty.

Sec. 18. Every member of such uniform company who shall be duly uniformed and equipped, and shall attend the regular parades of such company, shall be exempted from poll-tax and

from serving on any jury of this state, while serving in such company ; any person serving six years in such company shall be thereafter exempt from military duty, except in cases of invasion, insurrection or public danger.

Sec. 19. Such independent companies shall be and they are hereby authorized to adopt such constitution and by-laws for their government and discipline, in addition to and not inconsistent with the militia laws, as a majority of the members of said company shall deem proper, and all sentences and fines by any company court martial, in pursuance of such constitution and by-laws, shall be enforced and collected in the same manner as is provided by the general laws of the state for the collection of fines by court martial.

May adopt constitution and laws.

Sec. 20. The proof of such service or parade in the cases mentioned in the eighteenth section, shall be the certificate of the commander of such company, in such form as shall be hereafter prescribed by the commander-in-chief.

Proof of service.

Sec. 21. Such company shall, for purposes of command and service, be attached to such convenient regiment as to the commander-in-chief may appear proper ; and be within the orders of the colonel of such regiment and be reported and commanded by such colonel, at all levies en masse, musters, drafts, or camps of instruction, or other general duty.

Attached to regiment.

Sec. 22. In like manner, and under the same restrictions, and with the same privileges, any number of volunteer companies may associate together and form themselves into a regiment, the captains thereof, by agreement, choosing the field officers of such regiment, who shall be accordingly commissioned by the governor.

Volunteer companies may form themselves into regiment.

Sec. 23. And any two such regiments are authorized to form a brigade, the field officers thereof choosing, by agreement, the brigadier general, who shall be commissioned as aforesaid.

Regiments into brigade.

Sec. 24. All independent companies which have not at the passage of this act twenty-five rank and file, and have not uniformed and equipped themselves agreeably to law, be and they are hereby disbanded.

Certain independent companies disbanded.

Sec. 25. That so much of section thirteen of the act to organize the militia, as requires the militia to rendezvous by companies in their respective beats, one day in the month of May in every year, be and the same is hereby repealed.

Part of act repealed.

Certain persons exempt from military duty.

Sec. 26. Every inhabitant actually employed by the year, month, or season, in any blowing furnace or glass factory, shall be exempt from military duty, except in cases of war, insurrection or invasion.

Repeal.

Sec. 27. So much of all acts or parts of acts heretofore passed, as contravene the provisions of this act, are hereby repealed.

Approved, March 27, 1838.

[No. 58.]

AN ACT to authorize the building of a certain dam across the Shiawassee river.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred L. Williams and his associates, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Shiawassee river, in the county of Shiawassee, on section number thirty in town six north, of range four east, and said dam shall not exceed six feet in height above common low water mark: *Provided*, The rights of individuals are not thereby infringed, the navigation of said river not impeded, nor the improvement by the state of the navigation of said river Shiawassee be at any time thereby impeded or interfered with.

Approved, March 27, 1838.

[No. 59.]

AN ACT to attach a part of the county of Sanilac, for judicial purposes, to the county of St. Clair, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That part of the state of Michigan lying north of the county of St. Clair, which is embraced by the United States survey, in ranges thirteen, fourteen, fifteen and sixteen east, known as the eastern part of the county of Sanilac, be and the same is hereby attached to the county of St. Clair, for judicial purposes.

Sec. 2. That part of the county of Sanilac described in the first section of this act, be and the same is hereby attached to and made a part of the township of Lexington, in St. Clair county.

Approved, March 27, 1838.

[No. 60.]

AN ACT to authorize the supervisors of the county of Washtenaw to borrow a sum of money to build a jail.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the board of supervisors of the county of Washtenaw, are hereby authorized to borrow on the credit of said county, a sum of money not exceeding ten thousand dollars, at a rate of interest not exceeding seven per cent per annum, (the principal payable at any time after ten years,) for the purpose of building a county jail for said county.

Approved, March 27, 1838.

[No. 61.]

AN ACT to amend an act entitled "An act to incorporate the village of Ypsilanti."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the town council of the town of Ypsilanti, shall have the exclusive right to regulate and license all groceries and taverns within the corporate limits of said village and to regulate and provide for the selling and vending of all intoxicating liquors by said groceries, and to make and ordain such by-laws for the good government of said village, relating to the same, as to the said town council may seem proper: *Provided,* This act shall not be so construed as to exempt tavern and grocery keepers within the bounds of said village from the necessity of likewise obtaining state licenses, as is provided by the laws of this state.

Town council to regulate and license groceries and taverns.

Sec. 2. All moneys arising from such licenses shall be paid into the treasury of said village or town, and be drawn out and used for the building and repairing of the streets, sidewalks, bridges,

Moneys paid for license to be paid to village treasurer.

and other public purposes, that the interest and good order of said town of Ypsilanti may require.

Sec. 3. This act shall be in force from and after its passage.

Approved, March 27, 1838.

[No. 62.]

AN ACT appointing commissioners to lay out certain state roads.

From rapids
of Grand
river to Lake
Muskegon.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be laid out and established a state road, commencing at the rapids of Grand river in the county of Kent, and running on the most eligible route to Lake Muskegon, terminating on section twenty-five, township ten north, of range seventeen west; and that Charles Shepard, Benjamin H. Wheelock and William Bailey, be and are hereby appointed commissioners for that purpose.

Mouth of
Muskegon
river to forks
of same.

Sec. 2. There shall be laid out and established a state road, commencing at the mouth of Muskegon river and running on the most direct route on the south side of said river to the forks of the same in township twelve north, of range eleven west, and that Henry Penoyer, Theodore Newell and Alfred Hodge, be and they are hereby appointed commissioners for that purpose.

Centerville
to Water-
ford.

Sec. 3. That W. H. Keeler, John Moffatt, jun., and John H. Bowman, be and they are hereby appointed commissioners to lay out and establish a state road, leading from Centerville in the county of St. Joseph, to Waterford in the county of Van Buren, through the villages of Three Rivers, Little Prairie Ronde and Keelersville.

Galesburgh
to Center-
ville.

Sec. 4. That George S. Gale, Roswell Ransom and Martin Turner be and they are hereby appointed commissioners to lay out and establish a state road leading from Galesburgh, Kalamazoo county, on the most eligible route to Centerville, St. Joseph county.

Galesburgh
to Hastings.

Sec. 5. That Nathaniel Cathren, Hugh S. Shafter and Reuben H. Sutton be and they are hereby appointed commissioners to lay out and establish a state road leading from Galesburgh, Kalamazoo county, on the most eligible route to Hastings, Barry county.

Sec. 6. That Gideon Mathews, Ralph Tuttle and Simeon D. Barden, be and they are hereby appointed commissioners to lay out and establish a state road leading from Galesburgh, Kalamazoo county, on the most eligible route to Branch, Branch county.

Galesburgh
to Branch.

Sec. 7. There shall be laid out and established a state road from the village of Portsmouth, on the river Saginaw in the county of Saginaw, on the most eligible and direct route on the line dividing ranges number five and six according to the United States survey, to the Saginaw turnpike, (so called,) and that Benjamin K. Hall and Joseph Tremble of Portsmouth, and Albert Miller of Saginaw city, be and they are hereby appointed commissioners for that purpose.

Portsmouth
to Saginaw
turnpike.

Sec. 8. In laying out and establishing said roads, the state shall not be liable for the expenses or damages incurred thereby.

State not
liable for
expense.

Approved, March 27, 1838.

[No. 63.]

AN ACT providing for the sale of certain lands to the settlers thereon.

Whereas, the state of Michigan did in eighteen hundred and thirty-six, locate several fractions of land on the Niles reserve for state building purposes, to wit: the north-west fractional quarter of section thirty-five, and the south-east quarter and the north-east fractional quarter of section twenty-seven, in township seven south, of range seventeen west, upon the improvements of actual settlers. Therefore,

Preamble.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the governor of this state is hereby authorized to nominate, and by and with the advice and consent of the Senate, to appoint three commissioners, whose duty it shall be to appraise the lands above enumerated, previous to the first day of July next, at their cash value, exclusive of the value of the improvements thereon.

Commis-
sioners to
appraise
lands.

Sec. 2. Said lands shall be sold at said appraisal, to the settlers thereon, on such terms and under such regulations as are hereafter prescribed.

Lands to be
sold to set-
tlers thereon.

Sec. 3. One-tenth of the purchase money shall be paid in cash at the time of sale, and one-tenth annually thereafter, with inter-

Purchase
money, when
paid.

est on the amount unpaid at the rate of seven per cent per annum, until the whole is paid.

Thirty days' notice to be given to occupants of result of appraisal, &c.

Sec. 4. On the appraisal of said lands, the governor of this state is hereby authorized and directed, to give the occupants thirty days' notice of the result of said appraisal, and of the time and place of paying the said instalments; and then and there, upon the payment of the said first instalment, to make out and deliver to the purchaser or purchasers of said land, a certificate in the name of the people of this state, in his official capacity, and it shall be witnessed by two witnesses; said certificate shall describe the land sold, the consideration paid and to be paid therefor, the time and terms of payment, and the condition of forfeiture and re-entry by the state for the non-payment of the purchase money or interest when it becomes due; said certificate shall be subject to record in the same manner that deeds of conveyance now are, and shall entitle the said purchaser or purchasers, his, or their heirs or assigns, to a patent for the lands so purchased when the terms of the contract shall have been fulfilled; and the governor of this state shall sign and cause to be issued, patents for said land to the purchaser or purchasers, upon the delivery to him of the certificate aforesaid, and upon the lands described in said certificate having been fully paid for, and the terms of the contract of sale having been in all respects complied with; nor shall the state be deemed to have divested itself of the title in and to any of said lands, until a patent shall issue therefor pursuant to the foregoing provisions.

Taxes.

Sec. 5. All persons holding lands by virtue of certificates as aforesaid, shall be liable to be taxed therefor, in the same manner as if they were the actual owners of said land.

Approved, March 27, 1838.

[No. 64.]

AN ACT to provide for taking the acknowledgment of deeds and cession of lands to the people of this state.

Governor may appoint one or more agents to take acknowledgments.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall and may be lawful for the governor, to appoint an agent or agents, who shall be

authorized to take acknowledgment of all deeds, cessions and grants of lands to the people of this state for the purpose of internal improvement, and who may exercise said authority in any part of this state : *Provided*, That a true copy of any such appointment shall be filed in the office of the clerk of the county or counties in which said agent or agents may be required to take the acknowledgment of deeds as aforesaid.

Sec. 2. All deeds, grants and cessions of land, so as aforesaid acknowledged, shall be received and recorded in the register's office of the proper county, as if the same had been acknowledged before some officer of that county.

Deeds to be recorded.

Approved, March 28, 1838.

[No. 65.]

AN ACT to provide for the disposition of prisoners apprehended within the counties of Ionia and Ottawa.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person committed by judicial process, or who may have been sentenced to suffer imprisonment upon conviction, shall be in the custody of the proper officer of the counties of Ionia or Ottawa, said officer shall forthwith convey such person to the jail of the county of Kent, and deliver him to the keeper thereof.

To be imprisoned in Kent county jail.

Sec. 2. It shall be the duty of the keeper of said jail, on being presented with the mittimus or process under which such person is held, to receive him into his custody, and said keeper shall be liable for any neglect of duty in this as in other cases, and the counties respectively from which such prisoners may have as aforesaid [been] sent, shall be responsible for, and pay all the fees and expenses which may result from or be incident to such removal or keeping, to the same extent and under the same circumstances, as the county of Kent would be bound or liable if such prisoner had been committed or sentenced as aforesaid by the proper authority of Kent county.

Keeper to take custody of prisoners; liable for neglect; fees and expenses.

Sec. 3. And when any person charged with an offence, shall have been received into said jail, he shall be delivered to the sheriff or other proper officer of the respective counties of Ionia

When delivered back.

or Ottawa, on being presented with an order from the court before whom such prisoner is to be tried, requiring such delivery.

Sec. 4. This act shall remain in force until sufficient jails shall be built in the respective counties of Ionia and Ottawa.

Approved, March 28, 1838.

[No. 66.]

AN ACT to authorize James Eldredge, a minor, to convey real estate, in the state of Michigan.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Eldredge, a minor under the age of twenty-one years, of the city of Detroit, Wayne county, Michigan, is hereby authorized and empowered to execute a deed, in fee simple, of the one undivided half of all the following described pieces or parcels of land, to wit: the southwest quarter of section ten, town five north, range fifteen east, containing one hundred and sixty acres; the west half of fractional section number twenty-three, town sixteen north, range one west, containing two hundred and ninety-eight acres and twenty-four hundredths of an acre; the fractional numbers one and two, in north-west quarter of section twenty-six, town sixteen north, range one west, containing seventy-six acres, and thirty hundredths of an acre; and also the west half of fractional section number fourteen, town sixteen north, range number one west, containing two hundred and ninety-six acres and sixty-seven hundredths of an acre, situate in the counties of St. Clair and of Midland, in the state of Michigan, unto James La Tourette, of the state and city of New York, his heirs and assigns forever; which said deed, so executed, shall be a perfect, sure and indefeasible conveyance of the said one-half of the said lands: *Provided, however*, That the judge of probate of the county of Wayne, in said state of Michigan, shall deem it for the interest of the said minor to sell said lands, upon the terms agreed upon between the said parties, in which event he shall endorse his approbation of the said sale upon the deed hereby authorized to be executed.

Approved, March 28, 1838.

[No. 67.]

AN ACT to impose certain duties on the several county commissioners, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be and is hereby made the duty of the county commissioners of the respective counties in this state, to prepare and send to the auditor general of the state, on or before the first Monday in July in each and every year, an abstract of the assessment rolls in each of the several townships in the county, in which abstract it shall be clearly stated the number of acres, and the value of all the real estate assessed in each township, and also the value of all other property assessed in such townships.

Commissioners to send abstract of assessment rolls to auditor general.

Sec. 2. That if the said commissioners shall fail or neglect, without lawful excuse, to prepare and send such abstract to the auditor general within the time hereinbefore limited, or within such other times as the auditor shall allow, then each of said commissioners who shall be guilty of said neglect, shall be liable to a penalty not exceeding two hundred dollars, to be recovered by action of debt in the name of office of the auditor general, and for the use of the state. And the said commissioners, and any of them, who shall so neglect or refuse to comply with the provisions of the first section of this act, shall moreover be removed from office by the governor, on being notified by the auditor general, that such commissioners have so neglected to perform such duty: *Provided,* That before such removal shall take place, such commissioners shall be informed of such charge of neglect, and an opportunity of being heard against such removal.

Commissioners neglecting liable to penalty; removal from office.

Sec. 3. That on the failure from any cause of the commissioners to prepare and send to the auditor general said abstracts at the times above limited, or such other times as said auditor may allow therefor, it shall be the duty of the county treasurer of such county, to furnish the auditor general with the same, on being required so to do by him, under the penalties mentioned in the preceding sections of this act.

In case of failure, county treasurer to furnish abstract.

Sec. 4. That the treasurers of the different counties of this state shall prepare and transmit to the auditor general, the abstract of the year eighteen hundred and thirty-seven, on or before the first day of August next.

County treasurers to furnish abstract for 1837.

Approved, March 29, 1838.

[No. 68.]

AN ACT amendatory to an act entitled "An act relative to the city of Detroit," approved April 4, 1827.

Six constables may be annually elected.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the electors of the city of Detroit, on the usual days of the election for city officers, may annually elect six constables, who shall hold their offices for one year or until the next annual election for city officers.

Sec. 2. All provisions of law contravening the provisions of this act, be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1838.

[No. 69.]

AN ACT for the relief of the several school districts in this state, and for other purposes.

Preamble.

Whereas, the board of school inspectors of the township of Springwells, in the county of Wayne, failed, until the month of February, A. D. 1838, to form and give notice to organize said township into school districts, in pursuance of an act entitled "An act to provide for the organization and support of primary schools;" and whereas, in consequence of such failure, the schools kept in such township have not been kept in conformity to the requisitions of said act, and by reason of such non-conformity, said districts now formed in said township, will be deprived of the benefit of the school fund of this state: Therefore,

School districts of Springwells to have distributive share of school fund on conditions.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the school districts of said township of Springwells shall be and they are hereby declared to be entitled, and shall have a distributive share of the school fund of this state, in as full and ample a manner as they would, had all the requisitions of the law been complied with in relation to the same: *Provided*, The respective directors of said districts shall, on or before the first Monday of May next, report to the superintendent of public instruction, the number of scholars in said districts respectively, between the ages of five and seven-teen years.

Sec. 2. That on the making of such report, the superintendent ^{Superintendent.} of public instruction, and all other officers, shall proceed in the same manner in relation to said school districts as they and each of them would have done had all the requisitions of the law been complied with in relation to the same, any law to the contrary notwithstanding.

Sec. 3. Each and every school district in this state shall be ^{Other school districts entitled to benefit of this act.} entitled to the benefit of this act, and may avail itself of the provisions hereof upon complying with its conditions and requirements.

Sec. 4. So much of the act entitled "An act to provide for the ^{Act of 20th March, 1837, amended.} organization and support of primary schools," approved 20th March, 1837, as empowers the district board of any district, to sue for and recover the penalty incurred by any person for neglecting or refusing to perform any duty required by said recited act, is hereby so amended as to make it the duty of the township board of school inspectors to sue for and recover such penalty.

Approved, March 30, 1838.

[No. 71.]

AN ACT to organize certain townships, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* ^{Summerfield.} That all that part of the county of Monroe designated in the United States survey as town number seven south, of range six east, together with one tier of sections on the south side of town six south, of range six east, be and the same is hereby set off and organized into a separate township, by the name of Summerfield; and the first township meeting therein shall be held at the public house in the village of Petersburg, in said township.

Sec. 2. All that part of the county of Monroe designated in ^{Dundee.} the United States survey as town six south, of range six east, (excepting the south tier of sections in said surveyed township,) together with the west half of town six south, of range seven east, be and the same is hereby set off and organized into a separate township, by the name of Dundee; and the first township meeting

shall be held at the house of Samuel Barber, in the village of Dundee, in said township.

Seneca
enlarged.

Sec. 3. All that part of the county of Lenawee, lying in range two east, and south of the township line between the townships of eight and nine south, be and the same is hereby attached to and shall form a part of the township of Seneca.

Fairfield
enlarged.

Sec. 4. All that part of the county of Lenawee, lying in range three east, and south of the township line between the townships of eight and nine south, be and the same is hereby attached to and shall form a part of the township of Fairfield.

Ogden
enlarged.

Sec. 5. All that part of the county of Lenawee, lying in range four east, and south of the township lines between the townships of eight and nine south, be and the same is hereby attached to and shall form a part of the township of Ogden, in said county.

St. Clair
enlarged.

Sec. 6. All that portion of the county of St. Clair designated by the United States survey as township number five north, of range sixteen east, and also all of that portion of said county, included within and designated by the United States survey as private claim number two hundred and fifty-five, be and the same is hereby attached to the township of St. Clair.

Official acts
of township
officers of
St. Clair
legalized.

Sec. 7. All official acts heretofore performed by the township officers of the township of St. Clair, shall be and the same are hereby legalized.

Approved, March 31, 1838.

[No. 72.]

AN ACT to legalize the erection and maintenance of the dam across the Kalamazoo river, in the village of Marshall.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Sidney Ketchum, his heirs or assigns, be and they are hereby authorized and empowered, to build and maintain a dam across the Kalamazoo river, on section twenty-five, town two south, of range six west, in Calhoun county; and said dam shall not exceed seven feet in height above common low water mark: *Provided*, The rights of individuals are not injured; reserving also to the state the right of improving the navigation of said river by the construction of a suitable

lock at the expense of said Ketchum, his heirs or assigns, whenever said state may see fit to make such improvements.

Approved, March 31, 1838.

[No. 73.]

AN ACT relative to the appointment of collectors of tolls, and prescribing their duties.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the collectors of tolls on the several railroads and canals belonging to this state, shall be appointed by a vote of a majority of the board of commissioners of internal improvement, and shall hold their offices for one year from and after such appointment unless sooner removed.

Collectors of tolls appointed by board of commissioners; hold their office one year.

Sec. 2. The said board shall have power to remove by vote of a majority of the members, any one of said collectors, and to fill the vacancy occasioned by such removal by a like vote; but the office of the person so appointed to fill such vacancy shall expire at the end of the period for which the collector removed shall have been appointed: *Provided, however*, That no collector shall be removed by said board but for neglect of duty, or on being convicted by a jury for breach of any of the laws of this state, in which cases it shall be the duty of said board immediately to declare the office of such collector vacant, and to fill such vacancy without delay.

Board may remove collectors and fill vacancies.

Sec. 3. It shall be the duty of every such collector to keep a strict and accurate account of all tolls received on any railroad or canal, or portion thereof, on which he may be employed to collect tolls, in such form as shall be prescribed from time to time by the auditor general, and shall deposit with the auditor general the original book or books containing such account on or before the first Monday of January in each year, for inspection and examination; and it is hereby made the duty of the auditor general to prescribe and establish the form in which such accounts shall be kept, and to enter in each book for that purpose, a memorandum signed by him, designating by what collector the same is to be used, and the railroad or canal, or the portion of the same, the tolls accruing whereon are to be entered therein.

Collectors to keep account of tolls, &c.; auditor general to prescribe the form of keeping accounts.

Collectors
to make
abstract of
account and
transmit
same to
auditor.

Sec. 4. Each collector shall make out, under his hand, an abstract from such account book, showing the amount of tolls received by him each day, and the kind of money paid therefor, and shall transmit the same by mail to the auditor general, at least four times in each month, or oftener if required, and on such days as shall be directed by the auditor general, who is hereby required to specify such days; and all tolls which such collector is hereby authorized and required to collect and receive, shall be according to the rate of tolls established by said board, or by any law of this state; and he shall not in any case demand or receive any greater amount, under the penalty of forfeiting to the party aggrieved three times the amount so unlawfully received, to be recovered in an action of debt before any court competent to try the same.

Moneys
received to
be deposited.

Sec. 5. Every collector shall deposite the moneys received by him for tolls, at least once in each week, in such bank or banks as may from time to time be designated for that purpose by said auditor, to the credit of the treasurer of this state; and such bank or banks shall forward by mail to said auditor, at the end of each month, or oftener if required by him, a correct statement of the amounts deposited with them by each collector; and if any such bank shall neglect so to do, or shall be deemed by said auditor insolvent or otherwise unfit, said auditor shall immediately direct such depositees to be made in such other bank as he may designate, and shall take immediate legal steps for the recovery of all such tolls as may be in the hands of such defaulting bank.

To give
bonds; form
of bond.

Sec. 6. Every such collector, before entering on the discharge of his duties, shall enter into bonds to the people of the state of Michigan, in the penal sum of five thousand dollars, to be renewed in all cases of reappointment by said board, with two or more sufficient sureties, being freeholders, to be approved by the auditor general, with the advice of two of the judges of the circuit court of the county in which such collector shall reside, jointly and severally in said sum, to answer to the people of this state for any default in the performance of the duties by law required to be performed by such collector; which bond shall be in the form and to the effect following, to wit: "Know all men by these presents, that we, (here inserting the name of such collector,) as principal, and (here inserting the names of the securities) are held and firmly bound unto the people of the state of Michigan, in the penal sum of five thousand dollars, to be paid to the said state of

Michigan, for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents : sealed with our seals, and dated this day of in the year of our Lord one thousand . Whereas, the above bounden (here inserting the name of such collector) hath been appointed by the board of commissioners of internal improvements of said state, to the office of collector of tolls on (here describing the particular railroad or canal, or portion thereof, on which the collector is to act) ; now the condition of this present obligation is such, that if the said (here inserting the name of such collector,) shall well and faithfully, in all things, perform and execute all and singular the duties, matters and things required by law to be performed and executed by him as such collector during his continuance in said office, without fraud, deceit, or defalcation, then this obligation shall be void, or else be and remain in full force. In testimony whereof, we, the said (here inserting the names of such collector and sureties) have hereunto set our hands and seals the day and year above written."

L. S.

L. S.

L. S.

Which bond shall be deposited with the auditor general of this state, and by him kept until required in a court of justice, or legally discharged or cancelled, a copy of such instrument, certified by the auditor general, shall be prima facie evidence in all courts of the execution of said bond by such collector and his sureties.

Sec. 7. Every collector of tolls neglecting or refusing to deposit, according to the provisions of this act, the moneys which, from the abstracts of returns made to the auditor general, he shall appear to have collected for tolls, the said auditor general may and he is hereby required to issue a warrant under his hand and seal, directed to the sheriff of the county where such collector or any of his sureties may be found, thereby commanding such sheriff to cause the amount of tolls in the hands of such collector (stating such amount,) or such part thereof as said auditor shall direct by his warrant, to be made or levied of the goods and chattels, lands and tenements of such collector ; and in case the same shall not be sufficient, then of the goods and chattels, lands and

Auditor
general may
issue his
warrant for
the collection
of moneys
not deposit-
ed.

tenements of the sureties of such collector (naming them in the warrant,) and to return the money, together with the warrant and his doings thereon, to the auditor general within sixty days from the date thereof; which money the said auditor shall immediately pay over to the treasurer, taking his receipt therefor. And in case sufficient goods and chattels, lands and tenements, cannot be found in such county, then the sheriff first receiving such warrant shall, if there be reasonable ground to believe such collector or either of his sureties hath property real or personal in any other county in this state, or, if directed by the auditor general or any judge of the circuit court, place said warrant in the hands of the sheriff of such other county, who shall forthwith execute the same according to the command thereof, in the same manner as if it had been originally directed to him: *Provided*, That said auditor general shall, before issuing such warrant, satisfy himself, that such apparent failure to deposite in such bank does not arise from any fault, error, or misentry by such bank or any officer thereof, and shall, at least five days before issuing the same, give notice in writing to such collector, if to be found in this state, citing him to appear before said auditor at the time and place therein mentioned, to show cause why the same should not be issued.

Collector's
salary.

Sec. 8. The compensation of such collector shall be fixed by the board of commissioners of internal improvement, but shall in no case exceed the sum of one thousand dollars per annum, and shall be paid by the treasurer on the warrant of the auditor of said board, who is hereby authorized to audit the accounts of all collectors of tolls and to draw his warrant for payment thereof, as in other cases in which he is at present authorized so to do, and such payment shall be made at the end of each period of three months from the time such collector shall have entered on the discharge of his duties.

Approved, March 31, 1838.

[No. 74.]

AN ACT to incorporate the Auburn and Lapeer railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Calvin C. Parks, A. N. Hart, J. R. White, Silas D. McKeen, Henry Bishop, Horace N. Lothrop and Clark Beardsley, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Auburn and Lapeer railroad company, hereby incorporated, and they may cause books to be opened at the village of Auburn, in Oakland county, and the village of Lapeer, in Lapeer county, for the space of three days in each village, at such time as they, or a majority of them, shall direct, for the purposes of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in one of the newspapers printed in the city of Detroit, and one printed in the county of Oakland, of the time of taking subscriptions in said village. Commissioners; books to be opened.

Sec. 2. The capital stock of said company shall be three hundred thousand dollars, to be divided into shares of fifty dollars each, and as soon as four hundred shares of said stock shall be subscribed, the subscribers thereto, with such others as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name of "The Auburn and Lapeer Railroad Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name may sue and be sued; may have a common seal which they may alter and renew at pleasure; and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act. Capital; shares; body corporate.

Sec. 3. Said corporation hereby created shall have power to construct a railroad, with a single or double track, from the county site of Lapeer county, to intersect the Clinton and Kalamazoo canal, at or near the village of Auburn, in the county of Oakland, with power to take, carry and transport property and persons Power to construct railroad, &c.

upon the same, by the power and force of steam or animals, or any mechanical or other power, or any combination of them.

Time to construct road in, limited.

Sec. 4. If said corporation shall not, within one year after the passage of this act, commence the construction of said railroad, and shall not within two and a half years from the passage of this act, construct, finish, and put in operation ten miles in distance of said railroad, and shall not within four years complete and put in operation the whole of said railroad, or in the event of a failure of the company to construct the parts of the said railroad within either of the times above specified, then the rights, privileges and powers of said corporation shall be thenceforward null and void.

Commissioners to call meeting of stockholders.

Sec. 5. Whenever three hundred shares of the capital stock shall have been subscribed, if within one year from the passage of this act, the commissioners shall cause a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' notice of such meeting in the manner prescribed in the first section of this act, and at such meeting shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors chosen annually; vacancies, how filled.

Sec. 6. To continue the succession of the president and directors of said company, seven directors shall be chosen annually by the stockholders, on the first Monday in January in each and every year, at such place as the board of directors for the time being may appoint. And if any vacancy shall occur by death, resignation, or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year shall be filled by the remaining directors of said company, or a majority of them. The directors of said company shall hold their office for one year, and until others are elected in their stead. All the elections which are by this act, or by the by-laws of the company, to be held on a certain day, if not made on that day, may be made at any time within sixty days thereafter, by giving notice of such meeting in the manner prescribed in the preceding section.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of directors, and a meeting may be called at any time during the interval between said annual meetings, by the president and directors, or a majority of them, or by the stockholders, owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of such meeting, which notice shall set forth the objects of said meeting ; and if at any meetings thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within said three days stockholders having a majority of the stock do not attend such meeting, then said meeting shall be dissolved.

Sec. 8. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, and at any meeting of the stockholders, a majority of those present, in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president, or any of the directors of said company, and elect others in their stead : *Provided* notice of such intended removal has been given as required by the seventh section of this act.

Sec. 9. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his abilities.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents, and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner of settling and adjusting all accounts against the company ; also, the manner and evidence of the transfer of the stock in said company ; and they shall have power to pass all by-laws which they may deem necessary for

carrying into execution all the powers vested in said company: *Provided*, such by-laws shall not conflict with the laws of this state or of the United States.

Locate road.

Sec. 11. The president and directors of said company shall be and are hereby invested with all the privileges and powers necessary for the location, construction, and keeping in repair said railroad, not exceeding one hundred feet in width, and the said president and directors, or their agents, or those with whom they may contract for making said road, or any part thereof, may enter upon, use and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation thereof is ascertained and tendered, as hereinafter provided.

May agree with owners of land for its occupation or use, &c.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone, or other materials, or any article whatsoever, which may be wanted in the construction or repair of said road or any of its works, for the purchase or occupation of the same, and if such materials (not previously taken or appropriated by the proprietor thereof to any particular use,) as may be necessary for the construction and repair of said road or any of its works, be found on any unimproved land adjoining or near the same, and if the parties cannot agree, or if the owner or owners or any of them be a feme covert, under age, or non compos mentis, or out of the county in which the property is situated that is wanted by said company, application may be made to any justice of the peace of the same county, who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some competent disinterested person, requiring him to summon twelve freeholders in the county, not in any way interested in the matter or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days from the issuing thereof; and if at the said time and place any of the persons summoned as aforesaid shall not appear, the said sheriff or summoner shall immediately summon as many as may be necessary, with the jurors in attendance, to make a panel of twelve jurors, and from them each party, his, her, or their agent, or attorney, or if either be not present in person or by agent, the sheriff or summoner for him,

her or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages, and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owner or owners will sustain, by the use or occupation of the land, materials, or property required by said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the proper county, and be by him filed in his office, and shall be confirmed by the circuit court of said county, at its next session, if no good cause to the contrary be shown, and when confirmed, the same shall be recorded in the registry of deeds for said county, at the expense of said company, but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken, or the bounds of the land required by said company; such valuation when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as fully as if the owner or owners had conveyed the same, for such term of time as the said company shall occupy the same as a railroad; and if the valuation be not received when tendered, it may at any time thereafter be recovered from the company without cost. The sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

Sec. 13. Whenever, in the construction of said railroad, it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct the said railroad across such established road, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagonways across said road from one part of his land to another. Wagonways across road.

Sec. 14. If said company shall neglect or refuse to comply with the foregoing section, it shall be lawful for any person or persons aggrieved to sue said company, and he, she or they shall be entitled to such damages as the court or jury may think him, her or them entitled to. May be sued for not providing.

May contract
with other
corporation
for the use
of their road,
&c.

Sec. 15. If it shall be necessary for the said railroad company, in the selection of the route or the construction of said railroad, or any part thereof, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other incorporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer, by and through the agency of such person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons which are by any law of this state intrusted with the management and direction of such turnpike road or bridge or any of the rights or privileges aforesaid; every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their corporate seals, shall vest in the company hereby incorporated all such rights and privileges, and the right to use and enjoy the same, as fully as they are now used and enjoyed by the said corporation in whom they are now or may hereafter be vested.

May charge
for transportation,
&c.; shares, personal
property, and may
be taken in
execution.

Sec. 16. The said president and directors shall have power to contract for and purchase with the funds of the company and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary or proper for the purposes of transportation on said railroad, and they shall have power to charge for tolls and transportation such reasonable sum as shall be established by the by-laws of said company hereby incorporated, subject however to be revised and altered by the legislature of this state; and it shall not be lawful for any other company or any person or persons to transport any passengers, merchandize or other property of any description whatever on said road or any part of it without license or permission of said president and directors; and the said road, with all its improvements, works and profits, all machinery and animals used on said road for construction and transportation, are hereby vested in the company incorporated by this act and their successors forever, and the shares of said company shall be considered personal property, and shall be

transferable agreeable to the by-laws of said company, and subject to be taken on execution agreeable to such laws as are or may hereafter be in force; the right or privilege is hereby reserved to this state or any company now incorporated or hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part or parts of the same: *Provided*, That in forming such communication, no injury shall be done to the work of the company hereby incorporated: *Provided further*, That the said company or companies so connecting may have the free use of said road by paying such tolls as may be established by the legislature, and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected.

Sec. 17. The president and directors shall annually or semi-^{Dividends.} annually declare and make such dividend as they may deem proper of the net profits from the resources of said company, deducting the necessary current expenses, and they shall make such dividend among the stockholders of said company in proportion of their respective shares.

Sec. 18. If any person or persons shall willfully, knowingly or maliciously remove a stake, alter or deface, or in any manner ^{Removing stakes and injuring road.} injure any bench stake or fixture set by any engineer, superintendent or other person in the employ of said company, or by any means injure, impair or destroy any part of the railroad constructed by said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending shall each of them for every such offence forfeit and pay to said company a sum not exceeding three times the amount of the damages caused by such offences, to be recovered by said company in their corporate name, by an action of debt in any court having competent jurisdiction in the county wherein the offence was committed, or where the offender may be found; and shall also be subject to an indictment, and upon conviction of such offence, shall be punished by fine or imprisonment at the discretion of the court: *Provided*, such fine does not exceed one thousand dollars, nor such imprisonment more than one year.

Sec. 19. The state shall have the right at any time after the ^{State may purchase road.} expiration of ten years from the completion of said road, to pur-

chase and hold the same and the fixtures thereon, for the use of the state, at a price not exceeding the original cost of said road, exclusive of repairs, and fourteen per cent thereon, of which cost ~~an~~ accurate account shall be kept and submitted annually on the first Monday in January, or within ten days thereafter, to the legislature, duly attested by the oath of the officers of said company, and at such other times as the legislature shall require.

Transport
United States
mail.

Sec. 20. Said company shall at all times, if required by the post-office department, transport the United States mail upon said road as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches three times per week a like distance upon the several post roads in this state: *Provided*, That nothing herein contained shall be so construed as to require any of the vehicles of said company to wait at any post-office for the change of the mail.

Act to be
favorably
construed.

Sec. 21. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state shall be received as evidence thereof: *Provided, however*, if at the expiration of said ten years, the said company shall have realized twelve per cent per annum, upon the original cost of the construction and all other expenses, and upon the moneys expended in repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures at seven per cent per annum on the cost aforesaid.

Not entitled
to damages
for similar
improvements.

Sec. 22. Said railroad company shall never be entitled to any damages by reason of any similar improvements constructed by the authority of this state, that may render its stock less valuable.

State may
take stock.

Sec. 23. The state shall have the right of subscribing, at any time within two years, any number of shares in the capital stock of said company not exceeding eight hundred; in such cases the legislature shall, if required by the stockholders, increase the number of shares and stock which said corporation may hold, to the amount of the sum or sums which may be so subscribed.

Not to employ
capital
in banking.

Sec. 24. Nothing in this act contained shall be construed as authorizing or empowering said company to carry on banking business, or to use or employ the funds or any part thereof, or

permit the same to be used or employed in the purchase of stock of any bank or any other stock, or for any purpose or in any manner whatever not authorized by this act.

Sec. 25. The said railroad shall be constructed under the direction of the board of commissioners of internal improvements, so far as it relates to the width of said road, and be so constructed as to conform to and accord with the roads that may hereafter be built by the state, so far as the regulation and proportions thereof shall have been established prior to the construction of such railroad by said railroad company.

Sec. 26. The legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each house.

Approved, March 31, 1838.

[No. 75.]

AN ACT making appropriations to defray the expenses of the militia, and for repairing the state arms.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following named sums are hereby specifically appropriated, to be taken from any moneys which are now in or may hereafter come into the treasury of this state, which can be rendered available for this purpose, to be disbursed by the quartermaster general of the state, to wit: Two hundred and forty-three dollars to defray the expenses incurred for quarters, transportation and subsistence for such of the militia of this state as complied with the recent call by the governor, on the requisition of the commander of the forces of the United States on this frontier; and the further sum of three hundred dollars to defray the expenses attending the repairing and cleaning of the arms belonging to this state.

Sec. 2. The auditor general is hereby authorized and required to examine and allow all reasonable claims contemplated by this act, and draw his warrant on the treasurer for the same, and report the amount so disbursed to the next legislature.

Approved, March 31, 1838.

[No. 76.]

AN ACT to provide for the further construction of certain works of internal improvement, and for other purposes.

Appropriations on the several works of internal improvement; on what part of route appropriations to be expended.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and they are hereby specifically appropriated, to be taken from any moneys which shall hereafter come into the treasury of this state to the credit of the fund for internal improvement, for the improvement of the works herein mentioned, to wit: for the southern railroad three hundred and fifty thousand dollars; for the central railroad the sum of three hundred and fifty thousand dollars; for the construction of the Clinton and Kalamazoo canal two hundred and five thousand dollars; for the northern railroad sixty thousand dollars; for the Saginaw canal forty-seven thousand dollars; for the improvement of Grand and Maple rivers thirty thousand dollars; and for the improvement of the Kalamazoo river eight thousand dollars. *And be it further enacted*, That the commissioners on internal improvement are hereby directed and required to expend the moneys hereby appropriated, together with the moneys heretofore appropriated for all the southern and central railroads, and the Clinton and Kalamazoo canal, on the eastern sections of the same.

Approved, March 31, 1838.

[No. 77.]

AN ACT to organize certain townships, and for other purposes.

Park.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the county of St. Joseph designated in the United States survey as township number five south, of range number eleven west, be and the same is hereby set off, and organized into a separate township, by the name of Park; and the first township meeting therein shall be held at the house of James Hutchinson, in said township.

Sec. 2. The name of the township of Lomond, in the county of Lapeer, shall be hereafter changed and altered to that of Dunham; and the name of the township of Putman in the county of Livingston, shall be changed and altered to that of Putnam. Township of Lomond changed to Dunham; Putman to Putnam.

Sec. 3. All that portion of the United States survey designated as township number six north, of range number ten east, within the county of Lapeer, be and the same is hereby organized and set off into a separate township, by the name of Metamora; and the first township meeting therein, shall be held at the house of Tobias Price, in said township. Metamora.

Sec. 4. All that portion of the county of Lapeer designated in the United States survey as township number seven north, of range number nine east, be and the same is hereby set off and organized into a separate township, by the name of Elba; and the first township meeting therein shall be held at the house of William S. Bird, in said township. Elba.

Sec. 5. All that portion of the county of Branch, designated in the United States survey as townships number seven and eight south, of range five west, be and the same is hereby set off and organized into a separate township, by the name of Algansee; and the first township meeting therein shall be held at the house of Horace Purdy, in said township. Algansee.

Sec. 6. All that portion of the county of Shiawassee, designated in the United States survey as townships five and six north, of range number one east, be and the same is hereby set off and organized into a separate township, by the name of Woodhull; and the first township meeting therein shall be held at the house of Peter Laing, in said township. Woodhull.

Sec. 7. All that portion of the county of Berrien designated in the United States survey as townships number three and five south, of range number seventeen west, be and the same is hereby attached to the township of Bainbridge. Bainbridge enlarged.

Sec. 8. That portion of townships seven and eight north, of ranges three and four west, according to the United States survey, be and the same is hereby set off and organized by the name of Lebanon; and the first township meeting shall be held at the house of James Sowle, jr. Lebanon.

Approved, April 2, 1838.

[No. 78.]

AN ACT to incorporate the Tecumseh academy.

Body cor-
porate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, George W. Jermain, Stillman Blanchard, Henry L. Hewett, George Spafford, Seneca Hale, Daniel Pittman, Daniel G. Finch, Ezra F. Blood and Michael A. Patterson, of the county of Lenawee, and their successors, be and they are hereby constituted, ordained and declared to be a body corporate and politic, in fact and in name, to be styled "The Trustees of the Tecumseh Academy;" that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the name of the trustees of the Tecumseh academy, shall be in law capable of acquiring and holding, by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing, any estate, real, personal, or mixed, for the use of said corporation; and that they and their successors shall have full powers to make and enter into contracts, to make such rules and by-laws as they may deem necessary for the good government and success of said institution: *Provided*, Such by-laws are not inconsistent with the constitution and laws of the United States, or of this state.

May estab-
lish institu-
tion for
instructing
youth.

Sec. 2. Said trustees of Tecumseh academy, shall have power to establish, at such time and at such place in the village of Tecumseh and county of Lenawee, as they may judge best, an institution for the instruction of youth, suited to the wants and demands of the surrounding country.

Trustees;
vacancies,
how filled;
president to
be appoint-
ed.

Sec. 3. That the said George W. Jermain, Stillman Blanchard, Henry L. Hewett, George Spafford, Seneca Hale, Daniel Pittman, Daniel G. Finch, Ezra F. Blood and Michael A. Patterson shall be the trustees of said academy, and have and exercise the power and franchise herein granted, until others be appointed in their place; they and their successors shall have power to fill

all vacancies in their own body, which may happen by death, resignation or otherwise ; they shall appoint a president of said academy, who shall, ex-officio, be president of the board of trustees, and have the power of giving the casting vote, in case of an equal division ; a majority shall constitute a quorum for the transaction of business.

Sec. 4. The board of trustees shall faithfully apply all funds, in money or otherwise, by them collected, received or acquired, according to their best judgment, in erecting suitable buildings, supporting the necessary officers and instructors, in procuring books, maps, or other articles necessary to insure the success of said academy, or in lessening the expense of education at the same, or in improving the health of the students belonging thereto.

Funds to be applied in erecting buildings, &c.

Sec. 5. All process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president of said academy, or in his absence, at his last usual place of abode, at least five days previous to the return day thereof.

Process against corporation, and its service.

Sec. 6. That at the first meeting of said trustees, they divide themselves into three classes of three members each ; the term of office of the first class shall terminate at the end of the first year ; the term of office of the second class shall terminate at the end of the second year ; and the term of office of the third class shall terminate at the end of the third year, so that one-third of the number of trustees shall be chosen annually.

Trustees to be classed.

Sec. 7. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof in all courts of this state.

Act favorably construed.

Sec. 8. The legislature shall have the power at any time of amending or repealing this act, by a vote of two-thirds of both branches.

Power to repeal.

Approved, April 2, 1838.

[No. 79.]

AN ACT to amend an act entitled "An act to organize the township of Hickory, and for other purposes."

Part of
Orange an-
nexed to
Hickory.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the county of Macomb designated in the United States survey as sections number twelve, thirteen, twenty-four, twenty-five and thirty-six, in township number one north, of range number twelve east, be and the same is hereby set off from the township of Orange and annexed to the township of Hickory in said county, for township purposes.

Hickory
changed to
Aba.

Sec. 2. Hereafter the name of the township of Hickory shall be changed to that of "Aba."

Sec. 3. That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved, April 2, 1838.

[No. 80.]

AN ACT to incorporate the village of Kalamazoo.

Corporation
limits.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country situate in the county of Kalamazoo, and designated on the plats in the land office of the western district, as that part of the south half of section fifteen which lies on the west side of the Kalamazoo river, and the east half of the south-east quarter of section sixteen, in township two south, and range eleven west, be and the same is hereby constituted a town corporate, by the name of the village of Kalamazoo.

Election;
trustees to
hold office
one year;
four consti-
tute board.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the state, shall meet at the court-house in said village on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot seven trustees, who shall hold their office for one year and until their successors are elected and qualified, and any four of said

trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time; but if an election of trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and at all subsequent elections, the trustees or any two of them shall be judges, and the clerk of the village shall be clerk of the election; at all elections the polls shall be opened between the hours of nine and ten in the forenoon, and closed at three in the afternoon, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter; and it shall be the duty of the village clerk to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof in five or more public places in said village, or by causing the same to be published in some public newspaper.

Judges of election; polls to be opened; notice to persons elected; also of election.

Sec. 4. Each one of the trustees, before he enters upon the duties of his office, and in the presence of the board of trustees, shall take an oath or affirmation, which oath or affirmation may be administered by any trustee present, to support the constitution of the United States, and the constitution of this state, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities; and it shall be the duty of the first board of trustees at their first meeting, to elect by ballot one of their number president of said village, whose duty it shall be to preside at all meetings of the board of trustees, but in case of his absence, any other trustee may be appointed by the trustees present to preside at such meetings; and it shall likewise be their duty to appoint a village clerk,

Trustees to take oath; to elect president and appoint clerk.

to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Sec. 5. The president and trustees of said village shall be a body corporate and politic, under the name of the "President and Trustees of the village of Kalamazoo," and may have a common seal which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when a suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least five days before the return day thereof.

President and trustees to be body corporate, &c.

Sec. 6. The board of trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes; for the election or appointment of a treasurer, three assessors, a marshal and other officers for said village, and to prescribe their duties, declare their qualifications, and the period of their appointment or election; *Provided*, That no officer shall hold his office more than one year, or until others be elected or be appointed; and the fees any one of them shall be entitled to receive for their services, and to require of any and of all of them an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and to require of any of them such security, by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the treasurer of said corporation and his successors in office; and said treasurer or his successors shall have power to sue for all breaches of the same before any justice of the peace or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same; to prohibit the running at large of swine, cattle, horses, mules, geese and sheep, within the limits of said village; to regulate the building of partition and other fences; to purchase fire engines and other necessary apparatus for the extinguishing of fires; to cause each building occupied as a house, store or shop, to be provided with fire buckets, and to prescribe the manner in which stoves with their pipes in actual use shall be put up and chimneys built to guard against fires; to remove nuisances; to grade the streets and alleys, and

Power of board of trustees; before what courts fines may be recovered.

cause sidewalks to be made and kept in repair, and the expense thereof to be assessed on the lots in front of which either or all of said improvements shall be made, but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose; to keep the public highways and bridges within the incorporation limits in repair; to cause the streets, alleys, sidewalks and public highways, and every part thereof, to be kept free from obstructions; to lay out new streets and alleys and to extend such as are already laid out: *Provided*, The land of any individual shall not be taken for such purpose until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, to be ascertained as hereinafter mentioned; to lay taxes on all personal and real estate within the limits of said village, excepting property belonging to the village, town, county or state, excepting also places of public worship belonging to any church or congregation, and all school-houses; for the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself as the said board of trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Kalamazoo; and any interest the inhabitants of the village of Kalamazoo, as a body corporate, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owners of the property to be taken may appoint two, and the four shall choose the fifth; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him, which commissioners shall be disinterested and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation, to be administered by the president of the village, well and truly and without partiality or favor, to value the property to be taken and the dam-

Commissioners to assess value of property taken to open street.

age to the owner as aforesaid, and to assess the same upon the property benefited by the improvement, and to report such valuation and assessment to the board of trustees, which report, when confirmed by the circuit court of the county and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report may object to its confirmation by affidavit or otherwise, and the said court may refer the same back to the old commissioners or new commissioners to be appointed by the court to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice; property lying upon the street to be opened or continued only, shall be assessed only upon property benefited thereby; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

Taxes a
lien.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for opening or continuing or grading a street or alley, or making sidewalks, shall remain a lien upon said estate until paid.

Statement
of receipts
and expendi-
tures to be
made and
published.

Sec. 9. The president and trustees shall at the expiration of each year cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted upon the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

When by-
laws to take
effect; evi-
dence of
publication.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large upon the records of said corporation by the clerk thereof, shall be deemed prima facie evidence of such publication.

Taxes, how
apportioned;
warrant for
collection of.

Sec. 11. It shall be the duty of the trustees once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and

they shall cause the assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said trustees or a majority of them, directed to and requiring him to collect from the several persons named in said roll the several sums mentioned therein set opposite their respective names as the tax or assessment, and authorizing him in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money when collected to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, and in case the goods and chattels distrained shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Marshal
may sell
goods, &c.

Sec. 13. The tax upon real estate, with all assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village, and affidavit of such publication recorded in manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of such publication.

When real
estate to be
sold for
taxes.

Certificate
to be given
to purchaser;
redemption;
deed to be
given.

Sec. 14. On the day mentioned in said notice the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the sale, shall not within two years from the date thereof pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent per annum, from the date of such certificate, the treasurer or his successor in office, shall at the expiration of the said two years execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act, and every such conveyance executed by the said treasurer under his hand and seal, and acknowledged by witnesses, and recorded in the usual form, may be given in evidence, in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Treasurer's
fees; ex-
penses to be
added to tax.

Sec. 15. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services, and the expenses in advertising any land for sale in pursuance of this act, shall by the treasurer be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

Corporation
may use
county jail;
persons com-
mitted under
charge of
sheriff.

Sec. 16. The corporation shall be allowed the use of the common jail of the county of Kalamazoo for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff as in other cases.

Act favor-
ably con-
strued.

Sec. 17. This act shall be favorably construed, and received in all courts as a public act, and copies thereof printed under the

authority of the legislature, shall be received as evidence without further proof.

Sec. 18. The legislature may alter, amend or repeal this act. May be amended, &c

Sec. 19. No person shall be eligible to any office in this corporation unless he shall have resided in the said corporation six months next preceding his election. Six months' residence necessary to hold office.

Sec. 20. The legislature shall have power to alter, amend, or repeal this act at any time, by a vote of two-thirds of both houses. Legislature may repeal act.

Approved, April 3, 1838.

[No. 81.]

AN ACT to incorporate the Clinton salt works company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Robert S. Parks, Lawson S. Warner, Thomas B. Andrews, Charles Hubbell and Calvin C. Parks, and such other persons as shall hereafter associate with them and their successors, shall be and they are hereby created a body corporate and politic, by the name of "The Clinton Salt Works Company," and by that name shall be capable in law of purchasing, holding, selling and conveying estate, either real or personal, so far as shall be necessary for the purposes hereinafter mentioned, and no farther, and in their corporate name may sue and be sued, and may have a common seal, which they may alter and renew at pleasure, shall have, enjoy and may exercise all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act. Body corporate, &c.

Sec. 2. The said corporation is hereby required to improve the real estate belonging to said company, (situate at Clinton salt works, in the county of Clinton, and state of Michigan, known as all that part of the said village of Clinton salt works, described as the "reserve," on the map of said village, duly executed and recorded, the which is situated on section number fifteen, in township eight north, of range four west, in the Grand river land district, held and owned by the said Robert S. Parks, Lawson S. Warner, Thomas B. Andrews, Charles Hubbell and Calvin C. Parks,) for the purpose of manufacturing salt, by erecting the necessary buildings To improve certain real estate for manufacturing salt.

and vats, by boring the earth and sinking proper tubes and pumps to procure a sufficient quantity of water, and also shall have power to construct or purchase such and all other apparatus and machinery necessary for the carrying on of said salt manufacturing establishment to such an extent as shall be deemed necessary to advance the interest of said company and to transact the business of the same : *Provided*, nothing herein shall in anywise be so construed as to impair the right of this state to any salt springs that are now or may hereafter be the property of this state.

Concerns to
be managed
by five
directors ;
three form
quorum ;
when elected.

Sec. 3. That the stock, property and concerns of said company shall be conducted and managed by five directors, who shall be stockholders, and shall hold their office one year and until their successors be chosen, any three of whom shall constitute a quorum for the transaction of business ; and the said directors shall be elected on the first Thursday of June, A. D. 1838, and on the same day annually thereafter, at such time of day and place as shall be directed by the by-laws of said company ; public notice whereof shall be given not less than thirty days previous to such election, by advertisement in a newspaper printed in said county of Clinton ; and in case there is no newspaper printed in said county, then said notice shall be given in one or more newspapers printed in the city of Detroit, and the election shall be made by the stockholders attending for that purpose, either in person or by proxy, and all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of the stock of said company ; and the five persons having the greatest number of votes shall be directors ; said directors shall choose one of their number president, and whenever any vacancy shall happen among the directors by death, resignation or removal, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the said company ; and until the first annual meeting of said stockholders, Robert S. Parks, Lawson S. Warner, Thomas B. Andrews, Charles Hubbell and Calvin C. Parks, shall be and are hereby appointed directors.

Special
election.

Sec. 4. In case it shall at any time happen that an election of directors be not made on the day when by law it ought to have been done, the said company for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors, in such manner as shall be directed by the by-laws of the said company.

Sec. 5. The directors of the said company shall have power to make and prescribe such by-laws, rules and regulations as they shall deem proper respecting the management and disposition of the stock, property and estate of the said company, the duties of the officers, agents and servants by them to be employed, the election of directors and all such matters as appertain to the concerns of the said company ; to appoint such and so many officers, clerks and servants for carrying on the business of the said corporation, and with such wages, as to them shall seem reasonable.

Sec. 6. The directors shall have power to call special meetings of the stockholders, by giving thirty days' public notice of the time and place of such meeting in the manner hereinbefore prescribed ; at such or any general meeting, the stockholders in person or by proxy shall be entitled to vote in all questions and cases whatever, in manner as is prescribed by this act ; at any such meeting a majority of the shares of the stock of said company shall form a quorum for doing business, and have full power to bind said company.

Sec. 7. The stockholders shall have the power to raise money by a direct tax upon the stock of the said company, for the purposes of the company, which shall be done at a meeting of said stockholders, regularly convened, by assessing an equal amount on each share by a vote of two-thirds of the whole number of shares of said company ; and in case the amount of such tax shall not be paid in the manner to be prescribed by the by-laws of said company, within ninety days after notice requiring such payment shall have been published in a newspaper as aforesaid, the share or shares of each stockholder so making default shall be forfeited.

Sec. 8. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the said company ; and at any meeting called of the stockholders, a majority of those present or by proxy may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and appoint

others in their stead ; and the books of said company shall be always open for inspection by any of the stockholders.

Capital
stock.

Sec. 9. The capital stock of said company shall be divided into three thousand shares, the evidence of which shall be a certificate, and the persons hereinbefore appointed directors shall act as commissioners in the distribution of said shares among the persons owning an interest in the lands and improvements thereon, belonging to said company, in proportion to their respective interests therein or in the salt springs thereon.

Stock trans-
ferable ;
stockholders
responsible.

Sec. 10. The stock of said company shall be transferable in such manner as shall be prescribed by the laws of said company ; and for all debts which shall be due and owing by the company at any time, the persons composing the said company shall be responsible in their corporate and individual capacities.

Act limited.

Sec. 11. This act shall be and is hereby declared to be a public act, and shall be in force for twenty years from and after its passage.

Funds not to
be employed
in banking,
&c.

Sec. 12. Nothing in this act contained shall be construed to authorize or empower said company to carry on banking business, or to use or employ the funds of said company, or any part thereof, or permit the same to be used or employed in the purchase of stock of any bank or any other stock for any purpose or in any manner whatsoever, not authorized by this act.

Power to
amend act,
&c.

Sec. 13. The legislature shall have power to alter, amend or repeal this act at any time, by a vote of two-thirds of both houses.

Approved, April 3, 1838.

[No. 82.]

AN ACT for the apportionment of the members of the House of Representatives of this state, and for the arrangement of the Senate districts.

Apportion-
ment of
members of
house ; elec-
tion returns
of certain
counties,
when to be
made.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the number of members of the house of representatives, hereafter to be chosen in the several counties of this state, shall be as follows, to wit: In the county of Wayne, seven ; in the county of Washtenaw, six ; in the county of Oakland, six ; in the county of Monroe, three ; in

the county of Lenawee, four ; in the county of Hillsdale, one ; in the county of Branch, one ; in the county of St. Joseph, two ; in the counties of Cass and Van Buren, two ; in the county of Berrien, one ; in the counties of Ionia, Kent and Ottawa, one ; in the counties of Allegan, Barry and Eaton, one ; in the counties of Genesee, Shiawassee and Clinton, one ; in the county of Kalamazoo, two ; in the county of Calhoun, two ; in the county of Jackson, two ; in the county of Lapeer, one ; in the county of Macomb, three ; in the county of St. Clair, one ; in the county of Saginaw, one ; in the county of Chippewa, one ; in the county of Mackinaw, one ; in the counties of Livingston and Ingham, two. The election returns for representatives from the counties of Cass and Van Buren, shall be made at the county seat of Cass county ; for the counties of Ionia, Kent and Ottawa, at the county seat of Kent county ; for the counties of Allegan, Barry and Eaton, at the county seat of Barry county ; for the counties of Genesee, Shiawassee and Clinton, at the clerk's office in the county of Shiawassee ; and for the counties of Livingston and Ingham, at the county seat of Livingston.

Sec. 2. The senate districts of this state shall be arranged as follows, to wit : The first district shall consist of the county of Wayne, and elect two senators ; the second district shall consist of the counties of Monroe, Lenawee and Hillsdale, and elect three senators, and the election returns shall be made to the seat of justice of the county of Lenawee ; the third district shall consist of the counties of Oakland, Lapeer, Genesee, Shiawassee and Clinton, and elect three senators, and the election returns shall be made to the seat of justice of the county of Oakland ; the fourth district shall consist of the counties of Macomb, St. Clair, Saginaw, Chippewa Michilimackinac, and elect two senators, and the election returns shall be made to the seat of justice of the county of Macomb, on the first Monday of December next after each and every election in said district ; the fifth district shall consist of the counties of Washtenaw, Jackson, Livingston and Ingham, and elect three senators, and the election returns shall be made to the seat of justice of the county of Washtenaw ; the sixth district shall consist of the counties of Kent, Ionia, Ottawa, Allegan, Barry, Eaton, Kalamazoo and Calhoun, and elect two senators, and the election returns be made to the seat of justice of Kalamazoo ; the seventh district shall consist of the counties of

Senate districts and apportionment of senators; election returns for senators.

St. Joseph, Branch, Berrien, Van Buren and Cass, and elect two senators, and the election returns shall be made to the seat of justice of St. Joseph county.

Sec. 3. All acts or parts of acts contravening any of the provisions of this act, are hereby repealed.

Approved, April 3, 1838.

[No. 83.]

AN ACT to incorporate the Gibraltar and Flat Rock company.

Body corporate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin B. Kercheval, Joshua Howard, Phineas Davis, Enoch Jones, James H. Forsyth, Peter Godfroy, Harry Conant, Charles Noble and such other persons as shall associate or have associated with them for the purposes of building a city at the mouth of Detroit river and Flat Rock on the River Huron, and improving the harbor at Gibraltar at the mouth of Detroit river, in the county of Wayne, erecting piers, wharves, warehouses, and of the necessary buildings and improvements in and about the mouth of said river, and connecting the village of Flat Rock, on the River Huron, by a canal with the city of Gibraltar aforesaid, building mills and erecting other hydraulic works at the city and village above mentioned, and between the same, and making other improvements in and about the said city and village for commercial purposes and otherwise, and their successors, be and they are hereby created a body corporate and politic, by the name and style of "The President and Directors of the Gibraltar and Flat Rock Company," and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding, and enjoying any estate, real or personal, for the use of the said corporation: *Provided, That*

said estate real and personal so to be purchased or held, shall be necessary to fulfill the end and intent of said corporation, and for no other purposes whatever.

Sec. 2. The direction and management of the concerns of said company shall be managed by five directors, to be chosen annually on the second Tuesday of June, at such place in the village of Gibraltar as the directors for the time being shall appoint, of which place public notice shall be given for at least thirty days previous to the election, and the election shall be held and made by such of the stockholders as shall attend for that purpose either in person or by proxy, which proxies shall always be stockholders, and all such elections shall be by ballot, and such directors shall hold their offices for one year and until others are chosen in their stead, and that Benjamin B. Kercheval, Phineas Davis, Charles Noble, Joshua Howard and Peter Godfroy, shall constitute the first directors and hold their offices until the second Tuesday of June next, and until others are chosen in their stead.

Five directors to be chosen annually; first directors.

Sec. 3. The said directors shall, as soon as may be after their appointment or election, choose one of their number president, and the directors shall have power to make such by-laws, rules, orders, regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for their management and ordering the affairs of said corporation; and the articles of association adopted by said company on the thirteenth day of July, 1836, shall be and remain in force until other by-laws shall be duly made and adopted; to call special meetings of the stockholders, to appoint a treasurer and secretary for said company, and regulate the amount of their bonds and compensation; to appoint and employ such agents, clerks, superintendents, toll-gatherers, and workmen, as shall be necessary for executing the business of said corporation, and to regulate their compensation, and to require of the said treasurer and other persons in their employ, bonds with sufficient sureties for the faithful performance and discharge of their trust; and in case of the death, resignation, or removal from the state, or the ceasing to be a stockholder of either of the directors or treasurer, his or their place shall be filled for the remainder of the year by such persons as the directors remaining, or a majority of them, shall appoint; the directors shall likewise regulate the manner in which their real estate may

Directors to choose president; make by-laws, &c.

be conveyed, and the manner and evidence of the transfers of stock in said company.

Capital;
company
may borrow
not to exceed
one hundred
thousand
dollars.

Sec. 4. The scrip heretofore issued by said company, signed by B. B. Kercheval, as president, and P. Davis, as secretary, amounting to four thousand shares, shall constitute the capital stock of said company, and the same shall be estimated at one hundred dollars per share, and the said company is hereby authorized to borrow any sum of money not exceeding one hundred thousand dollars, and pledge the faith of said company for its redemption.

Each share
entitled to
vote; direc-
tors may
assess stock-
holders;
when sell
stock for
nonpayment
of assess-
ment.

Sec. 5. Each stockholder shall be entitled to a number of votes equal to the number of shares he or she shall have or hold in his or her own name, and it shall be lawful for the said directors from time to time to assess the stockholders respectively, such sums upon each of the shares held by them respectively, (not however exceeding in the whole at any one time ten dollars upon each share,) as to the directors may appear proper for the furthering the object of said company; and upon refusal or neglect to make such payments, or any of them, to cause such shares to be advertised for the space of thirty days in a Detroit and Monroe paper, that the same will be sold for the payment of the assessment that may be unpaid, and the cost attending and selling; that the said shares shall upon the day mentioned in the notice, between the hours of ten in the forenoon and four in the afternoon, sell the same at public auction to the highest bidder; and if the said shares shall sell for more than sufficient to pay the said instalments, after deducting the same, with the costs of advertising and selling the same, then the said overplus shall be paid to the person owning the said stock; upon the sale of such stock as aforesaid, the directors shall have power to authorize the secretary to make the necessary transfers upon the books of the said company.

Company
may con-
struct canal;
proviso.

Sec. 6. The said company shall have power to construct a lateral or independent canal from Gibraltar in the county of Wayne, to Ypsilanti in the county of Washtenaw, of sufficient width and depth to admit the passage of such craft as are usually employed on canals, with the necessary guards, locks and docks, and such other means as may be necessary, with power to transport and convey property and persons upon the same by the power of steam, animals or other force: *Provided always, That*

nothing in this act contained, shall be construed as to authorize the said company, by drawing off its water or otherwise, to injure, impede or destroy the navigation of said River Huron, nor to lessen nor impair the public use thereof as a public highway, free of toll, nor in any manner to prevent the use and improvement of the navigation thereof by this state, by dams and locks, or slides, or by slack water navigation or otherwise.

Sec. 7. The lands of said company, and all other property real or personal, shall be responsible and may be taken in execution for the payment of any debts due by said company.

Company property may be taken in execution.

Sec. 8. The president and directors of said company may agree with the owner or owners of any lands for earth, timber, gravel, stone, or other materials, or any articles whatsoever which may be wanted in the construction or repair of said canal, for the purchase or occupation of any land required for the same; and if such materials, (not previously taken or appropriated by the proprietor thereof for any particular use) as may be necessary for the repair or construction of said canal or other improvement, be found on any unimproved land adjacent or near the same, and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon eighteen freeholders in the county, not in any way interested in the matter, or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, and from them each party, his, her or their agent or attorney, or if either be not present either by agent or in person, the sheriff or summoner for him, her, or them, may strike off three jurors, and the remainder shall act as a jury of inquest; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the

How and when company are authorized to take land or materials for canal.

land, materials, or property required by said company ; and said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county and by him filed in his office, and be confirmed by the circuit court of the county at its next session, if no sufficient cause to the contrary be shown ; and when confirmed, the same shall be recorded by the said clerk at the expense of said company ; but if set aside, said court may direct another inquisition to be taken in the manner above specified ; said inquisition shall describe the property taken or the bounds of lands required by said company ; such valuation, when paid or tendered to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a canal or other improvement ; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost ; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

May regulate
tolls and run-
ning of boats
on canal.

Sec. 9. That the said company shall have power to purchase or construct such boats, machines or craft as they shall deem necessary or proper for the purposes of transportation on said canal ; that they shall have power to regulate the time and manner, size and order of all boats or craft which shall pass the said canal or river, and to establish the amounts of tolls or traverse duties upon the same, and to pass all other by-laws that may be necessary for the regulation and convenience of said company.

Stock
personal
property.

Sec. 10. The stock of said company shall be considered personal property, and shall be liable to be taken in execution agreeably to such laws as are, or may be hereafter in force. The right is hereby reserved to the state to connect with the canal hereby provided for, any other canal connected with a principal canal across the state.

Right of state
to purchase
canal.

Sec. 11. The state shall have the right at any time to purchase the canal and all improvements which may be made by said company, pursuant to the provisions of this act ; upon payment of all expenditures heretofore made, or may be hereafter made for the purposes aforesaid, and lawful interest thereon from the time such expenditures shall have been made.

Sec. 12. If any person shall willfully and maliciously injure, ^{Injuring canal, &c.} impair or destroy the said canal, or any part thereof, or any buildings, boats or machinery belonging to said company, he shall, for each offence, pay and forfeit to the said company, a sum not exceeding three times the amount of damages caused by such offence, which may be recovered by the said company in any action of debt in any court having jurisdiction of the same; and shall be subject to indictment, and upon conviction, to imprisonment, in the discretion of the court, not exceeding three years.

Sec. 13. This act is and the same is hereby declared to be a ^{Act to be construed favorably; limited to thirty years.} public act, and the same shall be construed in all courts and places, benignly and favorably for every beneficial purpose therein mentioned, and shall expire in thirty years from and after its passage; and it shall be subject to such further alteration and amendment, as the legislature of this state may at any time deem expedient, and for the public good, by a vote of two-thirds of each branch of the legislature.

Sec. 14. The legislature may alter, amend, or repeal this act ^{May be amended, &c.} at any time, by a vote of two-thirds of both houses.

Approved, April 3, 1838.

[No. 84.]

AN ACT to incorporate the Ypsilanti and Tecumseh railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Walter B. Hewitt and John Y. Larzeler of Ypsilanti, and Orange Risdon and William Moore of Saline, and Samuel L. Spafford, Stephen Fargo and Henry L. Hewitt of Tecumseh, be and they are hereby appointed commissioners, ^{Commissioners; books to be opened.} under the direction of a majority of whom subscriptions may be received to the capital stock of the Ypsilanti and Tecumseh railroad company hereby incorporated; and they shall cause books to be opened at the villages of Tecumseh and Ypsilanti, and also in the city of Detroit, for the space of three days in each place aforesaid, at such times as they or a majority of them may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in at least

two newspapers printed in this state, of the times of taking subscriptions in each of the places aforesaid.

Capital;
body politic.

Sec. 2. The capital stock of said company shall be two hundred thousand dollars, in shares of fifty dollars each; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of "The Ypsilanti and Tecumseh Railroad Company," with perpetual succession; and by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure; and shall have, enjoy, and may exercise all the powers, rights and privileges, which appertain to corporate bodies, for the purposes mentioned in this act.

To construct
railroad.

Sec. 3. Said corporation hereby created, shall have power to construct a railroad, with single or double track, from Ypsilanti in the county of Washtenaw, to Tecumseh in the county of Lenawee, with power to transport, take and carry persons and property upon the same, by the power and force of steam or animals, or of any mechanical or other power, or combination of them.

Time limited.

Sec. 4. If said corporation shall not within two years commence the construction of said railroad, and shall not within four years from the passage of this act, construct, finish and put in operation the whole of said railroad, then the rights, privileges and powers of said corporation shall be null and void as far as it regards said road not finished within the periods limited by this act.

Commissioners to
call meeting
of stockholders
to elect
directors.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' notice of such meeting, in the manner prescribed in the first section of this act; and at such meeting shall lay the books of subscription before the subscribers present, and thereupon the stockholders may elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to

elect one of their number president ; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder to one vote, either by himself in person, or by proxy.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first Monday in October, at such place as may be appointed by the directors ; and if any vacancy shall occur by death, resignation, or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year, may be filled by the directors of said company, or a majority of them ; the directors of said company shall hold their office until a new election of president and directors ; all elections which are by this act, or by the by-laws of the company, to be made on a particular day, if not made on such day, may be at any time within sixty days thereafter, notice of such meeting being given in the manner prescribed by the preceding section of this act.

Directors
chosen an-
nually, &c.

Sec. 7. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of the president and directors ; and a meeting may be called at any time intervening said annual meeting, by the said president and directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time of meeting, and the place, in the manner hereinbefore prescribed ; and when such meeting is called by the stockholders the particular object of such call shall be stated ; and if at any meeting thus called, a majority in value of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business ; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then said meeting shall be dissolved.

General
meeting of
stockhold-
ers ; special
meeting.

Sec. 8. At the regular meeting of the stockholders of said company, it shall be the duty of the president and directors in office the preceding year, to exhibit a clear and distinct statement of the affairs of said company, and at any meeting of the stockholders, a majority of those present, or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and

Statement
of affairs of
company to
be made.

at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office any president, or any of the directors of said company, and elect others in their stead: *Provided*, That notice of such intended removal has been given as required by the seventh section.

Officers to
take oath.

Sec. 9. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

May appoint
engineers,
&c.

Sec. 10. The said president and directors, or a majority of them, shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure, and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also, the manner and evidence of the transfers of the stock of said company; and they shall have power to pass all by-laws that they may deem necessary for carrying into execution all the power vested in the company hereby incorporated.

Power to
locate and
construct
road.

Sec. 11. The president and directors of said company shall be and they are hereby invested with all the privileges and the power necessary for the location, construction, and keeping in repair said railroad, not exceeding one hundred feet in width; and the said president and directors, or their agents, or those with whom they may contract for making the road, or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or the repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered, as hereinafter provided.

How and
when com-
pany author-
ized to take
land or ma-
terials for
road.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone, or other materials, or any articles whatsoever which may be wanted in the construction or repair of said road or of its works, for the purchase or occupation of the same, and if such materials (not previously taken or appropriated by the proprietor thereof for any particular use,) as may be necessary for the repair or construction of said railroad or any of its works,

be found on any unimproved land adjacent or near the same, and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of the said county, or if the sheriff be interested, to some disinterested person, requiring him to summon eighteen freeholders in the county, not in any way interested in the matter or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of eighteen jurors, and from them each party, his, her, or their agent, or attorney, or if either be not present either by agent or in person, the sheriff or summoner for him, her, or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages, and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owner or owners will sustain, by the use or occupation of the land, materials, or property required by said company; and said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent by the person summoning the jury to the clerk of the county, and be by him filed in his office, and be confirmed by the circuit court of the county, at its next session, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the said clerk at the expense of said company, but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken, or the bounds of the land required by said company; such valuation when paid or tendered to the owner or owners of said property, his, her or their legal representative, shall entitle said company to the estate and interests in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a railroad; and if the valuation be not received when tendered, it may at any time thereafter be

received from the company without cost ; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court.

Intersecting
roads ; wag-
onways.

Sec. 13. Whenever, ~~in~~ the construction of said railroad, it shall be necessary to cross or intersect any established road, it shall be the duty of said president and directors to conduct the said railroad across such established road, in such manner as not to impede the passage or transportation of persons or property along the same ; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road from one part of his land to the other.

Company
may be sued
for not pro-
viding wag-
onways.

Sec. 14. If said company shall neglect to provide proper wagonways across said roads as required by this act, it shall be lawful for any individual to sue said company, and he or she shall be entitled to such damages as the court or jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Tolls ; shares
personal prop-
erty, and
may be taken
on execution.

Sec. 15. The said president and directors shall have the power to purchase with the funds of the company and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary or proper for the purpose of transportation upon said railroad, and they shall have power to charge for tolls and transportation all such reasonable sums as shall be established by the by-laws of said company hereby incorporated, subject to be revised and altered by the legislature of this state ; and it shall be lawful for any other company or any other person or persons to transport any passengers, merchandize or property of any description whatever on said road or any part of it, by complying with the rules and regulations of said company, and paying in advance the rates of tolls established by the company, or as revised by the legislature ; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever : and the shares of the capital stock of said company shall be considered personal property and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privi-

lege is hereby reserved to this state, or any company now incorporated, or hereafter to be incorporated, under the authority of this state, to connect with the road hereby provided for any other road leading from the main route to any part or parts of this state: *Provided*, That in forming such connexion, no injury shall be done to the works of the company hereby incorporated: *Provided further*, That the said company or companies so connecting may have the use of said road, by paying such a tariff of tolls as may be agreed upon with said company: and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter constructed.

Sec. 16. The president and directors shall annually, or semi-^{Dividends.} annually, declare and make such dividend as they may deem proper, of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Sec. 17. If any person or persons shall willfully, knowingly and maliciously remove a stake, alter, deface, or injure in any manner, any bench, stake, or fixture, set by any engineer, superintendent, or other person in the employ of said company; or by any means injure, impair or destroy any part of the railroad constructed by said company under this act, or destroy any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every offence, forfeit and pay to the said company a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of said company, by an action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine or imprisonment at the discretion of the court: *Provided*, The said imprisonment shall not exceed one year.

Sec. 18. The state shall have the right at any time after the expiration of fifteen years from the completion of said railroad, to purchase and hold the same, for the use of the state, at a price not exceeding the original cost of the said road, exclusive of the repairs thereof, and fourteen per cent thereon, of which cost an accurate account shall be kept, and submitted annually to the legislature, duly attested by the oath of the officers of said com-^{State may purchase road.}

pany, and at such other times as the legislature shall require the same.

Transport
United States
mail.

Sec. 19. Said company shall at all times, if required by the post-office department, transport the United States mail upon said road as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and department, not exceeding the average price paid by said department for the transportation of the mail in post coaches three times a week a like distance upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to await at any office for the change of the mail, not exceeding ten minutes.

State may
subscribe for
stock.

Sec. 20. The state shall have the right of subscribing, at any time within two years, any number of shares in the capital stock of said company, not exceeding one thousand; in such case the legislature may increase the number of shares and stock which said corporation may hold, to the amount of the sum or sums which may have been subscribed.

Examination
into the
safety, suffi-
ciency and
security of
road, &c.

Sec. 21. *And be it further enacted*, That any stockholder in said corporation, or the district attorney of any county through or over any part of which said railroad may pass, may at any and all reasonable times cause an examination at the expense of said corporation, to be made into the sufficiency, security and safety of the said railroad, when constructed, and of the machinery and cars used thereon, to the end that if the same should be found to be unsound or insecure, or in anywise dangerous to the safety of the persons or property to be conveyed on said road, the conveyance of persons and property thereon may be thenceforward stopped, until by adequate repairs, or new machinery, or otherwise, the dangers of such evils may be obviated; and the better to give effect to the purposes intended by the aforesaid examination, it shall be the duty of the circuit court of the proper county to appoint, as often as may be necessary, one or more competent persons, whose duty it shall be, under the direction of such court, or of such commissioners, (as the case may be,) to make examination of the premises; and if such person or persons should find that by reason of any defect or insufficiency in said railroad, or in the machinery used thereon, there should be danger of injury to the lives, persons or property conveyed on

said railroad, then and from the time of such finding, neither persons nor property shall be conveyed nor transported on said railroad, until the same or said machinery shall be reconstructed, repaired or renewed as aforesaid; and if any of the agents of said corporation or other person shall offend herein, after notice in the premises, he shall be deemed guilty of a misdemeanor, and shall be subject to indictment, and shall be punished, on conviction, by fine, not exceeding one thousand dollars, and imprisonment not exceeding twelve months, at the discretion of the court having jurisdiction: *Provided, nevertheless,* That operations on said railroad may again recommence after such view and finding; so soon as the danger aforementioned shall have been removed and obviated, of which the certificate of the persons appointed as aforesaid, or of any other competent person, to be appointed as aforesaid, that such danger no longer exists, and that by repairs, new construction, new machinery or otherwise, the defect previously existing has been fully remedied, shall be sufficient evidence; and all certificates made in the premises shall be filed in the circuit court of the proper county, and duly preserved by the clerk thereof.

Sec. 22. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state shall be received as evidence thereof: *Provided, however,* If at the expiration of said fifteen years, the said company shall have received twelve per cent per annum, upon the original cost of construction and all other expenses, and upon the moneys expended in repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures at seven per cent on the costs aforesaid.

Act to be
favorably
construed.

Sec. 23. The legislature of this state may alter, amend or repeal this act by a vote of two-thirds of each house.

Legislature
may amend,
&c.

Sec. 24. Said railroad company shall never be entitled to any damages on account of any similar improvements made by this state, that may render its stock less valuable.

Not entitled
to damages
on account
of improve-
ments made
by state.

Sec. 25: The said railroad shall be built under the direction of the board of commissioners of internal improvement, so far as it relates to the width of the said road, and be so constructed as to conform to and accord with the roads built by the state.

Commis-
sioners of
internal im-
provement.

Approved, April 3, 1838.

[No. 85.]

AN ACT to incorporate the Mechanical Association of the city of Saginaw.

Body corporate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Benjamin H. Hammett, Henry Bunker, R. H. Renwick, Joel B. Bennett, N. M. Barker, Chester Tuthill, Daniel Smith, James Gotee, Isaiah Bookstaver, James Busby, junior, and all other persons who may hereafter associate with them for the purpose hereinafter mentioned, be and are hereby constituted a body politic and corporate, by the name of "The Mechanical Association of the city of Saginaw," for the purposes of intellectual and moral improvement, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record; may have and use a common seal; may purchase and hold for the purposes of their association, real estate not exceeding in value ten thousand dollars, and the same may sell and convey at pleasure; may make, establish and put in execution such by-laws as are not inconsistent with the laws and constitution of this state and of the United States, and may be necessary or convenient for the regulation and government of the affairs of said association; may appoint and elect for the government of said association such officers as are hereinafter mentioned; and do and execute all such things and acts as may be necessary to carry into full effect the purposes herein intended.

Annual meeting; officers and their election.

Sec. 2. An annual meeting of said association shall be holden on the first Tuesday of January in each year, at which time said association shall elect its officers, who shall be as follows, viz: a president, vice-president, a secretary, a treasurer, a librarian and an executive committee of six; and until such election, Benjamin H. Hammett shall be president, Henry Bunker vice-president, R. H. Renwick, secretary and treasurer, Joel B. Bennett, librarian, and N. M. Barker, Chester Tuthill, Daniel Smith, James Gotee, Isaiah Bookstaver and James Busby, junior, the executive committee; but if such election should not be holden according to the tenor hereof, said association shall not be deemed to be dissolved, but the officers previously appointed shall hold their offices until others be elected in their stead; and an election may be holden at any other time on giving notice thereof, to be

published two weeks successively in a newspaper printed in the city of Saginaw ; but if no newspaper be printed in the city of Saginaw, then by posting up notices of said election in three of the most public places in said city.

Sec. 3. This act shall be in full force for twenty years from and after its passage, and may be altered or amended at any time by the legislature. Act limited to twenty years.

Approved, April 3, 1838.

[No. 86.]

AN ACT to amend an act entitled "An act to amend an act to organize and regulate banking associations, and for other purposes, and to suspend the operation of the same.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the act entitled "An act to amend an act to organize and regulate banking associations, and for other purposes," approved the thirtieth day of December, A. D. 1837, be suspended for the period of one year from and after the passage of this act, as to any banking association which has not gone into operation; and that the act to which said act is amendatory be suspended for the same period, as to any banking association whereof the capital stock has not already been subscribed, and ten per centum of which stock has not been paid in to the treasurer, in pursuance of the seventh section of the act last referred to : *Provided,* That one bank only may be established in the county of Chippewa, under said amendatory act, any thing herein to the contrary notwithstanding. Act of 30th December, 1837, suspended for one year; proviso.

Approved, April 3, 1838.

[No. 87.]

AN ACT to change the location of the Territorial road at the west end of the village of Kalamazoo.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That so much of the territorial road leading from Detroit to the mouth of St. Joseph river, as runs Road from Detroit to St. Joseph river.

through section sixteen, in town two south, of range eleven west, in the western land district, shall be and is hereby changed so as to conform to a survey made by Pierce Barber, in July, one thousand eight hundred and thirty-seven, as directed by the superintendent of public instruction.

Approved, April 3, 1838.

[No. 88.]

AN ACT to regulate the term of the circuit court in the county of Lenawee.

Terms.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the next term of the circuit court for the county of Lenawee, be held as follows, to wit : on the second Tuesday of June next.

**Causes, &c.
continued.**

Sec. 2. All causes and other matters pending in said court, and all writs or process issued or to be issued before the third day of April instant, and made returnable at any time now fixed by law for the session of said court, at the time this act is passed, shall be continued to or be taken and deemed to be returnable at the term of said court hereby established, and shall be proceeded in by said court, as fully and as effectually as though the same had been regularly continued to or made returnable at the said term hereby established. This act shall take effect and be in force from and after its passage.

Approved, April 4, 1838.

[No. 89.]

AN ACT to provide for the more speedy adjustment of damages consequent upon the location of the central railroad route through the lands of Conrad Ten Eyck and others.

Preamble.

Whereas, it appears by the memorial of Conrad Ten Eyck, and from other sources entitled to the consideration of this body, that the said Ten Eyck has sustained damages to a large amount, in consequence of a line or track of the central railroad route being built and passing through the lands owned by him, and

situated in the township of Dearborn, county of Wayne, and state of Michigan; and whereas, sundry ineffectual attempts have been made by the board of internal improvements and the said Ten Eyck, to have his claim for damages as aforesaid settled according to the provisions of an act entitled "An act for the regulation of internal improvement and for the appointment of a board of commissioners," approved March 21, 1837; and whereas further, the interests of the people of this state, as well as that of the individual claimant, require that the damages aforesaid should be adjusted and settled as speedily as possible, and the said Ten Eyck having presented a memorial to this legislature, praying them to appoint three competent and disinterested individuals to examine and assess the damages aforesaid; therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor of this state shall nominate, and by and with the advice and consent of both branches of the legislature, appoint three persons commissioners, to inquire into and assess the damages claimed by Conrad Ten Eyck, of Wayne county aforesaid, in consequence of the line or track of the aforesaid railroad being built and passing through and across the lands owned by the said Ten Eyck, situated in the said township of Dearborn, (taking into consideration also the benefit resulting to said claimant,) *Provided, however*, That the said commissioners or any two of them shall proceed to examine and assess the damages aforesaid, and file in the office of the secretary of this state, within thirty days from the final passage of this act, a certificate under their own proper hands and seals, setting forth the amount of damages that they decide shall be paid to the said Ten Eyck by the people of this state, in consequence of said railroad route being built, and passing through his, the said Ten Eyck's, lands, as aforesaid.

Commissioners to assess damages; proviso.

Sec. 2. *Be it further enacted*, That the determination of the said commissioners, or any two of them, certified and filed as provided in the first section of this act, as to the amount of damages that shall be paid to the said Ten Eyck, shall be final and conclusive upon the people of this state and upon the said Ten Eyck; and the amount of damages so certified, shall be paid to the said Ten Eyck, or his legal representatives, by the board of commissioners of internal improvement, out of any moneys in

Determination of commissioners final; damages to be paid by board of internal improvement.

the treasury to the credit of the internal improvement fund, not otherwise appropriated, upon the warrant of the auditor of the said board, duly countersigned by the auditor general.

Commissioners to take oath.

Sec. 3. *Be it further enacted*, That the commissioners aforesaid, before they enter upon the duties of their trust, take the oath prescribed by the constitution of this state, before any person authorized to administer oaths, and each of the commissioners shall be entitled for his services to the sum of three dollars per diem.

Other persons may have damages assessed.

Sec. 4. *Be it further enacted*, That the provisions of this act shall be in all respects applicable to the cases of all other persons who have unsettled claims, for damages sustained by reason of the location and construction of the central railroad, between the city of Detroit and Ypsilanti. That the same commissioners shall act in the same manner upon the several cases, and with the same powers, and subject to the same restrictions, and that the decision of the said commissioners shall be in like manner obligatory on this state, and all other persons claiming damages aforesaid.

Favorably construed.

Sec. 5. This act shall be and the same is hereby declared a public act, and shall be construed favorably for every beneficial purpose therein named, and shall take effect from and after its passage.

Approved, April 5, 1838.

[No. 90.]

AN ACT for the relief of John T. Fryatt.

Preamble.

Whereas, it has been represented to the legislature of the state of Michigan, that John T. Fryatt, of the city of Monroe and state of Michigan, was, on the tenth day of June, in the year of our Lord one thousand eight hundred and thirty-five, the owner of all that certain piece or parcel of land, situate in said city, bounded and described as follows, to wit: on the south by land of Joseph C. Garwood, and on the west by land formerly owned by John Cook, containing one-half of an acre of land, being the south half of a square acre of land deeded by Catharine Losselle to Josiah W. Alexander, by deed dated the twenty-second day of October, one thousand eight hundred and thirty-four, and recorded in the

office of the register of deeds for said county, in liber O, folio three hundred and twenty-eight and three hundred and twenty-nine; that in the month of September, in said year one thousand eight hundred and thirty-five, the said John T. Fryatt became dangerously ill, and his life was greatly despaired of, and being desirous of disposing of his property for the benefit of his then only daughter, Mary Allen Fryatt, then being under the age of twelve years, he did, by the advice of his friends, on the fifth day of September, one thousand eight hundred and thirty-five, convey said half of said lot of land to his said daughter, with the view and with the sole view of saving the expense of administration upon his estate; and it having been further represented, as aforesaid, that said Fryatt unexpectedly recovered from his said illness, and became the father of another child; and that both of said children and his wife are dependent upon his daily labor for support; and that by reason of his having deeded said land as aforesaid, under the expectation of death, and with the sole view to provide for his said child, he is deprived of the control of his property for the benefit of himself and family, and without which he cannot support them: therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall and may be lawful for the said John T. Fryatt to present his petition to the judge of probate of said county of Monroe, setting forth the facts connected with the conveyance to the said Mary Allen Fryatt, and if upon the coming in of the answer of said Mary, by her guardian, examination of proofs and a full hearing of the facts and circumstances in the case, the said judge of probate shall be of opinion that the said conveyance to said Mary was in the nature of a devise or testamentary disposition, and that the same was made in the immediate expectation of death, the said judge of probate may and he is hereby authorized to order and decree that said conveyance be surrendered up and cancelled, and held for naught, and to this end the said judge of probate is hereby vested with all the equitable powers that the chancellor of this state would have or has, to make order or decree in like cases: *Provided always*, That any order, decree or judgment said judge of probate may make or render in the premises, shall be subject to revisal [reversal,] confirmation, or other proceeding, upon appeal and review, as in all other cases.

Judge of probate of Monroe may decree certain deed to be surrendered and cancelled; appeal.

Approved, April 5, 1838.

[No. 91.]

AN ACT supplementary to an act authorizing the construction of a ship canal around the Falls of Ste. Marie.

Commissioners to construct.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of internal improvement shall proceed to the letting of the whole or a part of the Ste. Marie ship canal.

Appropriation; proviso.

Sec. 2. That the sum of twenty-five thousand dollars, in addition to the twenty-five thousand dollars, heretofore appropriated, be and the same is hereby appropriated out of any money that shall come into the treasury of this state for the purpose of internal improvement, for the construction of said ship canal: *Provided*, That congress does not at its present session, make an appropriation for the purposes contemplated by this act.

Approved, April 5, 1838.

[No. 92.]

AN ACT to provide a place for holding the circuit court for the county of Ottawa.

Court and offices of county officers, where held.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the circuit court for the county of Ottawa, shall be held, until otherwise directed, at such place in said county as the supervisors or commissioners of the same shall designate, and that such county officers as by law are required to keep their offices at the seat of justice of their respective counties, shall keep the same at the place so to be designated by said supervisors or commissioners until otherwise directed.

Approved, April 5, 1838.

[No. 93.]

AN ACT to incorporate the village of Dearbornville.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part or tract of land in the township of Dearborn embraced within the following limits, to wit: commencing at a point where the eastern line of a tract of land known as the Cisney claim and recently confirmed by act of congress to T. B. Clark, thence southerly along said eastern line about one-half of a mile and until reaching a point opposite the western line of the land owned by William Sloss, thence across the land of said Clark, at right angles intersecting the western line of said Sloss, which is known more particularly as lot two in the subdivision of the military reserve, as the same was subdivided and sold by order of the secretary of war, in 1832, thence along the western line of said Sloss, or lot number two, to the Chicago road, thence easterly along the Chicago road to the place of beginning, in the township of Dearborn, Wayne county, and state of Michigan, (in which is embraced the village of Dearbornville,) be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of "The Village of Dearbornville."

Sec. 2. It shall be lawful for the free male inhabitants of said village, having the qualifications of electors, to meet at some convenient place in said village of Dearbornville, on the first Monday of May next, and on the first Monday of May annually thereafter, and then and there proceed by a plurality of votes to elect by ballot a president, recorder and three trustees, who shall hold their offices one year and until their successors are elected and qualified, and any three of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if an election of a president, recorder and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter prescribed.

Sec. 3. At the first election to be held under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation

Corporation
limits and
name.

Election;
president,
recorder and
trustees to
hold office
one year;
three a
board; pro-
viso.

Judges of
election;
polls to be
opened; clerk
to notify per-
sons elected;
notice of
election.

faithfully to discharge the duties required of him by this act, and at all subsequent elections the trustees, or any two of them, shall be judges, and the recorder clerk of the election ; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at five o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges ; and the clerk shall make a true record thereof, and within five days after such election the said clerk shall give notice to the persons elected of their election ; and it shall be the duty of said village council, at least five days before each annual election, to give notice of the same by posting up notices in three of the most public places in said village.

President to
preside at
meetings ;
recorder keep
record there-
of.

Sec. 4. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend all such meetings and keep a fair and accurate record of all their proceedings ; and the said recorder is authorized, under his hand and seal, to appoint some competent person as his deputy, who in his absence shall do and perform all and singular the duties enjoined upon said recorder, and for whose acts said recorder shall be liable.

President,
recorder and
trustees body
corporate,
&c.

Sec. 5. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "The President and Trustees of the Village of Dearbornville," and shall be capable in law in their corporate name to acquire property, real and personal, for the use of said village, sell and convey the same, may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended, in any court of competent jurisdiction ; and when any suit shall be commenced against said corporation, the first process shall be by summons, which shall be served by an attested copy to be left with the recorder not less than five nor more than ten days before the return day thereof.

Officers to
take oath.

Sec. 6. The officers elected by virtue of this act shall each, before entering on the duties of his office, take an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations for the government of said village, and the same to alter, repeal, or reordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal and other subordinate officers which may be thought necessary for the good government and well being of the village; to prescribe their duties, declare their qualifications and determine the period of their appointments and the fees they shall be entitled to receive for their services, and require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and may require of them such security for the performance of the duties of their respective offices as shall be thought necessary; said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties as they deem proper, and to provide for the disposition of such fines and penalties: *Provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village.

President and trustees to make by-laws, &c.; when by-laws to take effect.

Sec. 8. The president and trustees shall, at the expiration of each six months, cause to be made out and published a correct statement of the receipts and expenditures of the preceding six months.

Statement of receipts and expenditures to be published.

Sec. 9. The electors of said village, in legal meeting assembled shall have power by vote to direct the levy of taxes on all real and personal estate within the limits of said corporation, not exceeding one-half of the per centum upon said real and personal estate in any one year; to regulate and improve the lanes and alleys, and to determine the width of sidewalks; *Provided*, That no property shall be taken from any individual until said individual shall be paid therefor; the value thereof to be ascertained by twelve disinterested freeholders to be summoned by the marshal for that purpose; they shall have the power to remove all nuisances and obstructions from the streets and commons, and all other places of said village, and to provide for the removal of the same.

Taxes; lanes and alleys; sidewalks; nuisances; proviso.

Sec. 10. The president and trustees shall be authorized to grant all licenses for the retailing of ardent spirits within the

Licenses for retailing spirits.

limits of the corporation, and the proceeds of such licenses shall be appropriated for the benefit of said corporation; *Provided, however,* The power hereby granted shall not be so construed as to conflict with the general laws of this state regulating taverns and licenses for retailing ardent spirits.

Road district; overseer.

Sec. 11. The streets, lanes and alleys of said village, shall constitute one road district, including the Chicago and Monroe roads; and the electors of said village shall at their annual meeting, elect an overseer of the same, and in case of death, removal or other inability of said overseer or other officers of the corporation, the president and trustees shall have power to fill such vacancies.

Meetings, how called.

Sec. 12. All meetings for the purposes contemplated in the preceding sections of this act, shall be called by the president, or in his absence by the senior trustee, by posting up written notices in three of the most public places in said village, at least three days previous to holding said meeting; said notices shall specify the time and place of holding said meeting, and the purposes for which said meeting is called.

Recorder's fees; trustees' compensation.

Sec. 13. The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe, but the president and trustees shall receive no compensation unless the same shall be authorized by the inhabitants in legal meeting assembled.

President and trustees to lay tax; proviso.

Sec. 14. For the purpose of enabling the president and trustees to carry into effect the provisions of this act, they are hereby authorized annually to lay a tax on all real and personal estate within the bounds of the corporation, as the same has been or may be appraised: *Provided,* Such tax shall in no case exceed the sum for the same year voted for and directed according to the provisions of the ninth section of this act: *And provided,* That the said tax shall not exceed in any one year one-half of the per centum of the aggregate amount of real and personal estate within the limits of said village; and the said president and trustees shall between the first Mondays of May and June in each year, determine the amount of tax to be assessed and collected within the current year.

Duplicate of taxes, &c.

Sec. 15. It shall be the duty of the president and trustees, to make out a duplicate of taxes, charging each individual therein the amount of tax in proportion to the real or personal estate of

such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal or such person as shall be appointed collector, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Sec. 16. The said collector shall have power to sell personal estate, and for want thereof, to sell real estate for the non-payment of taxes within said village; but no real estate shall be sold by reason of the non-payment of such tax or taxes, unless the assessment of such tax shall have been duly notified in some public newspaper printed at the seat of government of this state, and also at Dearbornville, if any be printed there, once each week, for at least six weeks, the last publication whereof, shall be at least six weeks before the day when said taxes are payable; nor unless the intended sale thereof, be duly notified, by publication in like manner, in such newspaper or newspapers for and during the space of at least six consecutive weeks, the last of which publications to be at least six weeks prior to such sale; nor unless such assessment and proceedings thereon, be regular, and in all things conformable to the provisions of this act, and moreover, all such real estate so sold may be redeemed in the same manner and within the same period of time as is or may be provided by law in case of real estate sold for any state tax.

Collector,
how to proceed in case
of nonpayment;
real estate, when
sold; redemption.

Sec. 17. The said village shall be allowed the use of the common jail in the county of Wayne, for the imprisonment of every person liable to imprisonment under the ordinances of said village, and all persons committed to said jail shall be under the charge of the sheriff, as in other cases.

Use of common jail.

Sec. 18. This act shall be favorably construed and received in all courts of justice as a public act, and copies thereof printed under the authority of the legislature, shall be received as evidence without further proof.

Act to be favorably construed, &c.

Sec. 19. This act may be altered, amended or repealed by the legislature, with the assent of two-thirds of both houses.

May be amended, &c.

Approved, April 5, 1838.

[No. 94.]

AN ACT to incorporate the Mottville and White Pigeon Railroad Company.

Commissioners;
books to be
opened.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel A. Chapin, Melancthon Judson, Weston W. Bliss, George Dixon, Chapman Yates, Neal McGaffey, W. A. Sanger, Hiram Hollibird, William Barns, Daniel Howell and Seldon Martin, be and the same are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital of the Mottville and White Pigeon railroad company hereby incorporated; and they shall cause books to be opened at the villages of Mottville and White Pigeon, for the space of three days in each village, and at such times as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in the White Pigeon Gazette and Constantine Republican, of the time of taking such subscriptions in said villages respectively.

Capital;
body corporate.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of twenty-five dollars each; and as soon as one thousand shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of "The Mottville and White Pigeon railroad company," with perpetual succession; and by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for purposes hereinafter mentioned, and no farther; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure; and shall have, enjoy, and exercise all the powers, rights and privileges, which appertain to corporate bodies, for the purposes mentioned in this act.

Power to
construct
railroad.

Sec. 3. Said corporation hereby created, shall have power to construct a railroad, with a single or double track, from Mottville, through the village of White Pigeon, to some point on the northern boundary line of the state of Indiana, in a southeasterly direction, with power to transport, to take and carry persons and

property upon the same, by the power and force of steam or animals, or of any mechanical or other power, or a combination of them.

Sec. 4. If said corporation shall not within two years com- Time limited.
mence the construction of said railroad, and shall not within four years from the passage of this act, construct and put in operation the whole of said road, then the rights, privileges and powers of said corporation shall be null and void.

Sec. 5. Whenever ten hundred shares of said stock shall have Meeting of stockholders; election of directors.
been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' notice of such meeting, in the manner prescribed in the first section of this act; and at such meeting shall lay the books of subscription before the subscribers present, and thereupon the stockholders may elect by ballot seven directors, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder to one vote, by himself in person, or by proxy.

Sec. 6. To continue the succession of president and directors Seven directors to be chosen annually; vacancies.
of said company, seven directors shall be chosen annually, on the first Monday of June, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation, or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year shall be filled by the directors of said company, or a majority of them. The directors of said company shall hold their offices until a new election. All elections by this act, or by the by-laws of the company, to be made on a particular day, if not made on such day, may be at any time within sixty days thereafter, notice of such meeting being given in manner prescribed by the preceding section of this act.

Sec. 7. A general meeting of the stockholders of said company Annual meeting of stockholders; special meeting.
shall be held annually, at the time and place appointed for the election of the president and directors; and a meeting may be called at any time intervening the said annual meetings, by the said president and directors, or by the stockholders owning not less than one-tenth of the stock, by giving thirty days' notice of the

time and place of meeting, in the manner hereinbefore prescribed; and when such meeting is called by the stockholders, the particular object of such call shall be stated; and if at any meeting thus called, the holders of a majority of the stock are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, the holders of a majority of the stock do not attend such meeting, then said meeting shall be dissolved.

Statement
of affairs of
company;
removal
from office.

Sec. 8. At a regular meeting of the stockholders, it shall be the duty of the president and directors in office the preceding year, to exhibit a clear and distinct statement of the affairs of said company, and at any meeting of the stockholders, a majority of those present, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority of votes in said company may remove from office any president or director of said company, and elect others in their stead: *Provided*, That notice of such intended removal has been given as required by the seventh section.

Oath.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Compensation
of engineers,
&c.

Sec. 10. The president and directors, or a majority of them, shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents, and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure, and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also, the manner and evidence of transfer of the stock of said company; and they shall have power to pass all by-laws that they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated.

Location and
construction
of road.

Sec. 11. The president and directors of said company shall be and they are hereby vested with all the privileges and the power necessary for the location, construction, and keeping in repair said railroad, not exceeding one hundred feet in width, and the said

president and directors, or their agents, or those with whom they may contract for making the road, or any part of it, may enter upon, use and excavate any land which may be necessary for the site of said railroad, or any other purpose which is necessary in the construction or the repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered, as hereinafter provided.

Sec. 12. The president and directors may agree with the owner or owners of any land, for earth, timber, gravel, stone, or other materials, or any other articles, which may be necessary in the construction or repair of said road or of its works, for the purchase or occupancy of the same, and if such materials (not previously appropriated by the proprietor,) as may be necessary for the repair or construction of said railroad be found on any unimproved land adjacent or near the same, and if the parties cannot agree, or if the owner of them be a feme covert, minor, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon eighteen freeholders in the county, in no way interested in the matter, or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; notice of the time and place of the assembly of said jury, for the purpose of said assessment, shall be served on the person or persons whose damages are to be assessed, in writing, at least four days before said assessment; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall forthwith summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of eighteen jurors, and from them each party, their agent, or attorney, or if either be not present either by agent or attorney or in person, the sheriff or summoner for him or them, may strike off three jurors, and the remainder shall act as a jury for the inquest of damages; and before they act as such, they shall be sworn by the sheriff or summoner justly and impartially to value the damages which the owner or owners will sustain, by the use or occupancy of the lands, materials, or property required by said company; and said jury shall return

How and when company authorized to take land or materials for road.

a verdict in writing, and shall each sign the same, which verdict shall be sent to the county clerk of the proper county, and filed in this office, and if no sufficient cause be shown to the contrary, shall be confirmed by the circuit court of the county, at its next session; and in said confirmation it shall be competent for said court to take into consideration the exorbitance or insufficiency of the damages assessed by the jury; and when confirmed, the same shall be recorded by said clerk at the expense of the company. Said verdict shall describe the property taken, and if land, the boundaries thereof. Such valuation, when paid or the amount thereof tendered to the owner of said property, shall entitle said company to the property or estate thus valued, as fully as if it had been conveyed by the owner of the same, for such time as said company shall occupy the same for a railroad; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court and paid by the company.

Intersecting
roads; wag-
onways;
fences.

Sec. 13. Whenever, in the construction of said railroad, it shall be necessary to cross or use any established road, it shall be the duty of said president and directors to construct the said railroad in such manner as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road, and build a good and substantial fence on each side of said road, through all improved lands, from one part of his land to the other.

Company
neglecting
to provide
wagonways.

Sec. 14. If said company shall neglect to provide proper wagonways across said roads required by this act, it shall be lawful for any individual to sue said company, and he or she shall be entitled to such damages as the court or jury may think him or her entitled to, for such neglect or refusal on the part of said company, after a reasonable time shall have elapsed for the building of said wagonways or fence.

Connecting
road with
turnpike or
bridge.

Sec. 15. If it shall be necessary for the said railroad company, in the selection of the route or construction of the road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it

shall be lawful for said president and directors to contract with the agent of this state or with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation, to the said company hereby incorporated; and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer, by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are, or hereafter by any law of this state may be, intrusted with the management and direction of such turnpike road or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Sec. 16. The said president and directors shall have the power to purchase with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary or proper for the purpose of transportation upon said railroad, and they shall have power to charge for tolls and transportation all such reasonable sums as shall be established by the by-laws of said company hereby incorporated, subject to be revised by the legislature of this state; and it shall be lawful for any other company or any other person to transport any passengers, merchandise or property of any description whatever on said road or any part of it, by complying with the by-laws and regulations of said company, and paying in advance the rate of toll established by the company, or as revised and affixed by the legislature; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such as laws are or may hereafter be in force. The right and privilege is hereby reserved to this state,

Tolls; shares
personal pro-
perty, and
may be taken
on execution.

or any company now or hereafter incorporated by the legislature of this state, to connect with the road hereby provided for, any other road leading from the main route to any part of this state : *Provided*, That in forming such connexion, no injury shall be done to the works of the company hereby incorporated : *Provided further*, That the said company so connecting may have the free use of said road, by paying such toll as may be established by the legislature ; and this incorporation shall be entitled to the same rights and privileges to any or all roads hereafter so connected : *And provided further*, That by reason of anything herein contained, the company hereby incorporated shall not be allowed to run their cars on any of the railroads of the state without the consent of the legislature.

Dividends.

Sec. 17. The president and directors shall annually, or semi-annually, declare and make such dividend as they may deem proper, of the net profits from the revenues of said company, deducting the necessary current expenses ; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Injuring or
destroying
road, &c.

Sec. 18. If any person shall willfully, knowingly and maliciously remove a stake, alter, deface, or injure in any manner any bench, stake or fixture, set by any engineer, superintendent, or other person in the employ of said company ; or by any other means injure, impair or destroy any part of the railroad constructed by the company under this act, or destroy any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every offence, forfeit and pay to said company a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of the company, by an action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction by such officer, shall be punished by fine and imprisonment at the discretion of the court : *Provided*, The imprisonment shall not exceed three years.

State may
purchase
road.

Sec. 19. The state shall have the right any time after the expiration of fifteen years from the completion of said railroad, to purchase and hold the same, for the use of the state, at a price not exceeding the original cost of the said road, exclusive of the re-

pairs thereof, and fourteen per centum thereon, of which cost an accurate account shall be kept, and submitted annually on the first Monday of January, to the legislature, duly attested by the oath of the officers of said company, and at such other times as the legislature shall require the same.

Sec. 20. Said company shall at all times, if required by the ^{Transport United States mail.} post-office department, transport the United States mail upon said road as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches three times a week a like distance upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of the mail.

Sec. 21. The state shall have the right of subscribing, at any ^{State may subscribe for stock.} time, any number of shares in the capital stock not taken of said company, not exceeding nine hundred shares; and in such case the legislature may increase the number of shares and stock which said corporation may hold, to the amount of the sum by them subscribed.

Sec. 22. This act shall be favorably construed to effect the ^{Act to be favorably construed.} purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state shall be received as evidence thereof: *Provided, however*, If at the expiration of said fifteen years, the said company shall have received fifteen per centum per annum upon the original cost of construction and all other expenses, and upon the money expended in the repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures at eight per centum on the costs aforesaid.

Sec. 23. Nothing in this act shall be construed to authorize or ^{Not to carry on banking.} empower said company to carry on banking business, or to use or employ the funds or any part thereof, or permit the same to be used or employed in the purchasing of stock of any bank or any other stock for any purpose or in any manner not authorized by this act.

Sec. 24. The legislature of this state may alter or amend this ^{Legislature may amend act.} act by a vote of two-thirds of each house.

Width of
track.

Sec. 25. The said railroad shall be built, so far as relates to the width of it, to conform to and accord with the railroads built or hereafter to be built by this state.

Not to hold
real estate
except what
is wanted for
road.

Sec. 26. Nothing in this act contained shall be so construed as to authorize said company to purchase and hold any land or real estate, except such as may be necessary to form the site of said railroad, and such as may be necessary as places of deposite, security and convenience in the actual and proper business of said company, nor in anywise to purchase, sell or deal in real estate, except in the manner and for the purposes herein mentioned.

Examination
into safety
and security
of road, &c.

Sec. 27. *And be it further enacted,* That any stockholder in said corporation, or the district attorney of any county through or over any part of which said railroad may pass, may at any and at all reasonable times cause an examination at the expense of said corporation, to be made into the sufficiency, security and safety of the railroad, when constructed, and of the machinery and cars used thereon, to the end that if the same should be found to be unsound or insecure, or in anywise dangerous to the safety of the persons or property to be conveyed on said road, the conveyance of persons and property thereon may be thenceforward stopped, until by adequate repairs, or new machinery, or otherwise, the dangers of such evils may be obviated; and the better to give effect to the purposes intended by the aforesaid examination, it shall be the duty of the circuit court of the proper county to appoint as often as may be necessary, one or more competent persons, whose duty it shall be, under the direction of such court, to make examination of the premises; and if such person or persons should find that by reason of any defect or insufficiency in said railroad, or in the machinery used thereon, there should be danger of injury to the lives, persons or property conveyed on said railroad, then and from the time of such finding, neither persons nor property shall be conveyed nor transported on said railroad, until the same or said machinery shall be reconstructed, repaired or renewed as aforesaid; and if any of the agents of said corporation or other person shall offend herein, after notice in the premises, he shall be deemed guilty of a misdemeanor, and shall be subject to indictment, and shall be punished, on conviction, by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months, at the discretion of the court having

jurisdiction: *Provided, nevertheless,* That operations on such railroad may again recommence after such view and finding, so soon as the danger aforementioned shall have been removed and obviated, of which the certificate of the person appointed as aforesaid, or of any other competent person to be appointed as aforesaid, that such danger no longer exists, and that by repairs, new construction, new machinery or otherwise, the defect previously existing has been fully remedied, shall be sufficient evidence; and all certificates made in the premises shall be filed in the circuit court of the proper county, and duly preserved by the clerk thereof.

Sec. 28. Said railroad company shall never be entitled to any damages on account of any similar improvements made by this state, that may render its stock less valuable.

Not entitled to damages for similar improvements by state.

Sec. 29. The stockholders or directors and all other persons interested in this bill, shall not be entitled to demand of this state any assistance hereafter to complete this railroad.

Not to demand assistance of state.

Approved, April 5, 1838.

[No. 95.]

AN ACT to incorporate the village of Grand Rapids.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that tract of country situate in the town and county of Kent, embraced within the following bounds, to wit: beginning at a point on the east side of Grand river, where Fulton street, as laid down on the original plat of the village of Grand Rapids, recorded in the register's office of the county of Kalamazoo, intersects said river, and running east on the south bounds of said village to the south-east corner of a certain tract known as Hatch's addition to said village, thence north along the east line of said addition and north to the point where Hasting street, as laid down on the village plat of Kent, being also an addition to the said village of Grand Rapids, if extended would intersect the same, thence west along said Hasting street to the west line of Canal street, thence south along the west line of said street to the point where the same strikes the Grand river, and along the shore of said river to the place of beginning, be and the same is hereby constituted a town corporate, by the name of the "Village of Grand Rapids."

Corporation limits and name.

Election;
trustees to
hold office
one year;
five a board.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of this state, shall meet at the court-house in said village on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided for by the by-laws of said village, and then and there proceed by plurality of votes to elect by ballot seven trustees, being freeholders in said village, who shall hold their offices for one year and till their successors are elected and qualified; and any five of said trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time; but if an election of trustees shall not be made when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

Judges of
election;
polls to be
opened;
notice to per-
sons elected;
notice of
election.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election; and at all subsequent elections the trustees or any two of them shall be judges, and the clerk of the village shall be clerk of the election; at all elections the polls shall open between the hours of nine and ten o'clock in the forenoon, and close at three o'clock in the afternoon, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof, and within five days after such election he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter; and it shall be the duty of the village clerk to give at least five days' notice of each and every election, by posting up printed or written notices thereof in five or more public places in said village, or by causing the same to be published in some public newspaper within said town.

Trustees to
take oath;
to elect pre-
sident; ap-
point clerk.

Sec. 4. Each one of the trustees, before he enters upon the duties of his office, and in the presence of the board of trustees, shall take an oath or affirmation, which oath or affirmation may be administered by any trustee present, to support the constitution of the United States, and the constitution of this state, and that he

will faithfully and impartially discharge the office of trustee of said village, according to the best of his abilities ; and it shall be the duty of the first board of trustees, at their first meeting, to elect one of their number president of said village, whose duty it shall be to preside at all meetings of the board of trustees ; but in case of his absence, any other trustee may be appointed by the trustees present to preside at such meeting ; and it shall likewise be their duty to appoint a village clerk to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Sec. 5. The president and trustees of said village shall be a ^{President and trustees} body corporate and politic, under the name of the "President and Trustees of the Village of Grand Rapids," and may have a common seal which they may alter at pleasure, and may purchase and hold real and personal estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court ; but when a suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served on the president of the village, at least five days before the return day thereof.

Sec. 6. The board of trustees shall have power to ordain and ^{Their powers ; may make by-laws, &c.} establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes : for the election or appointment of a treasurer, three assessors, a marshal, and other officers of said village, and to prescribe their duties, declare their qualifications and the period of their appointment or election : *Provided*, That no officer shall hold his office more than one year, or until others be elected or appointed ; and the fees any one of them shall be entitled to receive for his services ; and to require of any or all of them an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and to require of any of them such security, by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the said president and trustees of said village and their successors in office ; and they and their successors shall have power to sue for all breaches of the same, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are au-

thorized to hear, try and determine the same ; to prohibit the running at large of domestic animals ; to regulate the building of partition and other fences ; to purchase fire engines and other necessary apparatus for the extinguishment of fires ; to cause each building occupied as a house or store, to be provided with fire buckets, and to prescribe the manner in which stoves with their pipes in actual use shall be put up, and chimneys built to guard against fires ; to remove nuisances ; to cause the streets, alleys, sidewalks and public highways, and every part thereof, to be kept free from obstruction ; to keep the highways and bridges within the corporation limits in repair ; to grade the streets and alleys, and pave them, and cause sidewalks to be made, and the expense thereof to be assessed on the lots in front of which either or all of said improvements shall be made ; but no one of said improvements shall be made, unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the president and trustees for that purpose ; to lay taxes on all personal and real estate within the limits of said village, excepting property belonging to the village, town, county or state ; and excepting also all places of public worship, and all school-houses ; to do all things which corporations of a similar nature can do, to secure the health, peace and prosperity of the inhabitants of the said village ; for the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said board of trustees may deem proper ; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace of the said town of Kent ; and any interest the inhabitants of said village may have, as a body corporate, in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause or serve as juror, or be a witness therein ; and the circuit court of said county shall have jurisdiction over all fines and penalties imposed by said by-laws.

Commissioners to assess value of property taken for streets, &c.

Sec. 7. To ascertain the value of any property to be taken to open or continue any street, and the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owner of the property to be taken shall appoint two, and the four shall choose a fifth ; and in case the owner neglects or refuses to choose two, any justice of the peace

of the county may choose for him, which commissioners shall be disinterested and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation, to be administered by the president of the village, well and truly and without partiality or favor to value the property to be taken, and the damage to the owner as aforesaid; and to assess the same upon the property benefited by the improvement, and to report such valuation and assessment to the board of trustees, which report, when confirmed by the circuit court of said county, and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report, may object to its confirmation by affidavit or otherwise; and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court, to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice; property lying upon the street to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed on property benefited thereby; and no new street shall be opened, unless two-thirds of the interest thereby affected shall petition for the same.

Sec. 8. All taxes levied upon real estate, and all assessments Taxes lien. made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making sidewalks, shall remain a lien upon said estate until paid.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year. Statement of receipts and expenditures to be published.

Sec. 10. No by-law, or ordinance of said corporation shall have any effect, until the same shall have been published three weeks successively, in a paper printed in the county, or in writing, When by-laws to take effect; evidence of publication. by written notices posted up in three of the most public places in said village, and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of said corporation by the clerk thereof, shall be deemed prima facie evidence of such publication.

Taxes, how
apportioned;
warrant for
collection.

Sec. 11. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of the said trustees, or a majority of them, directed to and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite to their respective names, as the tax or assessment, and authorize him in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant.

Goods and
chattels may
be sold for
the payment
of.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums of money at which he, she or they shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained, shall be sold for more than the amount of the tax or assessment with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

When real
estate may
be sold.

Sec. 13. The tax upon real estate, with all assessments for the purpose named in the eighth section of this act, shall be put down in said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent thereon per annum until paid, shall remain unpaid for two years from the date of the warrant, to the said marshal, the treasurer of said village shall cause so much of the land charged with said tax or assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the assessment and interest, together with all charges thereon, first

giving at least four months' notice of the time and place of such sale by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; and affidavit of such publication recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessment as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming the said lands described in the said certificate, shall not, within two years from the date thereof pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent per annum from the date of such certificate, the treasurer or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state may have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by such treasurer under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence. Said board of trustees shall not levy a tax exceeding one-half of one per cent per annum on the real and personal property within said village; and all moneys raised by tax, imposed by said board of trustees upon the property included within the limits of the said additions to said village, shall be laid out and expended upon such additions as yield the tax.

Sec. 15. The treasurer of the said village shall receive the same fees in cases of sale as aforesaid, as are allowed by law to

Treasurer to
sell; give
certificate;
redemption;
deed.

Treasurer's
fee; expenses
of adver-
tising.

the county treasurer for like services ; and the expenses in advertising any lands for sale in pursuance of this act, shall, by the treasurer, be added to the taxes respectively as are charged upon lands and unpaid, in proportion to each man's tax so charged and unpaid.

Use of jail.

Sec. 16. The said corporation shall be allowed the use of the common jail of the county of Kent, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation ; and all persons so committed to jail, shall be under the charge of the sheriff of said county, as in other cases.

Approved, April 5, 1888.

[No. 96.]

AN ACT to incorporate the Medina and Canandaigua railroad company.

Commissioners.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Cook Hotchkiss, John Knapp, B. F. Hutchinson, Samuel Gregg, William Billings, Artimas Allen, and Ebenezer Daniels, be and the same are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Medina and Canandaigua railroad company hereby incorporated, and they shall cause books to be opened at the villages of Medina and Canandaigua, for the space of two days in each village, at such time as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice in the Constitutionalist or Watchtower, of the time of taking such subscriptions in said villages respectively.

Capital stock ; body corporate.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of twenty-five dollars each ; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of "The Medina and Canandaigua Railroad Company," with perpetual succession ; and by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal, or mixed, so far as the same may

be necessary for purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure; and shall have, enjoy, and exercise all the powers, rights and privileges, which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said corporation hereby created, shall have power to construct a railroad, with a single or double track, from the village of Morenci, through the villages of Canandaigua and Medina, to some point on the southern railroad in the county of Lenawee, with power to transport, take and carry persons and property upon the same, by the power and force of steam or animals, or of any mechanical or other power, or a combination of them. Railroad route.

Sec. 4. If said corporation shall not within two years commence the construction of said railroad and shall not within four years from the passage of this act, construct and put in operation the whole of said road, then the rights, privileges and powers of said corporation shall be null and void. Limitation of time for construction.

Sec. 5. Whenever five hundred shares of said stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' notice of such meeting, in the manner prescribed in the first section of this act; and at such meeting, shall lay the books of subscription before the subscribers present, and thereupon the stockholders may elect by ballot seven directors, a majority of whom shall be competent to manage the affairs of said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder to one vote by himself in person, or by proxy. Meeting of stockholders; directors.

Sec. 6. To continue the succession of the president and directors of said company, seven directors shall be chosen annually, on the first Monday of June, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation, or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year, shall be filled by the directors of said company, or a majority of them; the directors of said company shall Annual election; vacancies, how filled.

hold their offices until a new election ; all elections by this act, or the by-laws of the company, to be made on a particular day, if not made on such day, may be at any time within sixty days thereafter, notice of such meeting being given in manner prescribed by the preceding section of this act.

Annual
meeting of
stockholders.

Sec. 7. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of the president and directors ; and a meeting may be called at any time intervening said annual meetings by the said president and directors, or by the stockholders owning not less than one-tenth of the stock, by giving thirty days' notice of the time and place of meeting, in the manner hereinbefore prescribed ; and when such meeting is called by the stockholders, the particular object of such call shall be stated ; and if at any meeting thus called, the holders of a majority of the stock are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business ; and if within said three days, the holders of a majority of the stock do not attend such meeting, then said meeting shall be dissolved.

Statement of
affairs, &c.

Sec. 8. At a regular meeting of the stockholders, it shall be the duty of the president and directors in office the preceding year, to exhibit a clear and distinct statement of the affairs of said company, and at any meeting of the stockholders, a majority of those present, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required, and at all general meetings of the stockholders, a majority of votes in said company may remove from office any president or director of said company, and elect others in their stead : *Provided*, That notice of such intended removal has been given as required by the seventh section.

Oath of
office.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment.

Employ
officers, en-
gineers, &c.

Sec. 10. The president and directors, or a majority of them, shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents, and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure, and the

said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also, the manner and evidence of transfer of the stock of said company; and they shall have power to pass all by-laws that they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated.

Sec. 11. The president and directors of said company shall be and they are hereby vested with all the privileges and the power necessary for the location, construction, and keeping in repair said railroad, not exceeding one hundred feet in width, and the said president and directors, or their agents, or those with whom they may contract for making the road, or any part of it, may enter upon, use and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or the repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered, as hereinafter provided.

Sec. 12. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone, or other materials, or any other articles which may be wanted in the construction or repair of said road or of its works, for the purchase or occupation of the same, and if such materials (not previously used by the proprietor,) as may be necessary for the repair or construction of said railroad be found on any unimproved land adjacent or near the same, and if the parties cannot agree, or if the owner of them be a feme covert, minor, non compos mentis, or out of the county in which the property wanted may be, an application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to some disinterested person, requiring him to summon eighteen freeholders in the county, in no way interested in the matter or related to the parties, to meet on or near the property to be valued, on a day named in the warrant, not less than five nor more than ten days after the issuing of the same; and if at the said time and place any of the persons do not attend, the said sheriff or summoner shall forthwith summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of eighteen jurors, and from them each party, their agent, or attorney, or if either be

Jury assess
damages in
certain cases.

not present, either by agent or attorney or in person, the sheriff or summoner for him, or them, may strike off three jurors, and the remainder shall act as a jury for an inquest of damages, and before they act as such, they shall be sworn by the sheriff or summoner, justly and impartially to value the damages which the owner or owners will sustain, by the use or occupancy of the land, materials or property required by said company; and said jury shall return a verdict in writing, and shall each sign the same, which verdict shall be sent to the clerk of the county, and filed in his office; and if no sufficient cause be shown to the contrary, shall be confirmed by the circuit court of the county, at its next session, and when confirmed, the same shall be recorded by said clerk at the expense of the company; said verdict shall describe the property taken, and if land the boundaries thereof; such valuation, when paid or tendered to the owner of said property, shall entitle said company to the property or estate thus valued, as fully as if it had been conveyed by the owner of the same, for such time as said company shall occupy the same for a railroad; and if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner and jurors shall be allowed the ordinary fees for like services, to be taxed by the court and paid by the company.

Wagon-
ways, &c.

Sec. 13. Whenever, in the construction of said railroad, it shall be necessary to cross or use any established road, it shall be the duty of said president and directors to construct the said railroad in such manner as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagonways across said road from one part of his land to the other.

Damages for
neglect or
refusal on
part of com-
pany.

Sec. 14. If said company shall neglect to provide proper wagonways across said roads required by this act, it shall be lawful for any individual to sue said company, and he or she shall be entitled to such damages as the court or jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Right to con-
nect with
any other
road, &c.

Sec. 15. If it shall be necessary for the said railroad company, in the selection of the route or construction of the road to be by

them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation, to the said company hereby incorporated; and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer, by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are, by any law of this state, intrusted with the management and direction of such turnpike road or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

Sec. 16. The said president and directors shall have the power to purchase with the funds of the company and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary or proper for the purposes of transportation upon said railroad, and they shall have power to charge for tolls and transportation all such reasonable sums as shall be established by the by-laws of said company hereby incorporated, subject to be revised by the legislature of this state; and it shall be lawful for any other company or any other person to transport any passengers, merchandise or property of any description whatever on said road or any part of it, by complying with the by-laws and regulations of said company, and paying in advance the rates of tolls established by the company, or as revised by the legislature; and the said road, with all its improvements, works and profits, all machinery used on said road for transportation, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company shall be considered personal property and shall be transferable agreeably to the by-laws of said

Purchase
cars; charge
tolls; vested
rights;
shares personal
property.

Right to
connect
reserved;
proviso.

company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state, or any company now or hereafter incorporated by the legislature of this state, to connect with the road hereby provided for, any other road leading from the main route to any part of this state: *Provided*, That in forming such connexion, no injury shall be done to the works of the company hereby incorporated: *Provided further*, That the said company so connecting may have the free use of said road, by paying such toll as may be established by the legislature, and this incorporation shall be entitled to the same rights and privileges to any or all roads hereafter so connected: *And provided further*, That by reason of anything herein contained this company hereby incorporated shall not be allowed to run their cars on any of the state railroads without the consent of the legislature.

Dividend,
when and
how made.

Sec. 17. The president and directors shall annually, or semi-annually, declare and make such dividend as they may deem proper, of the net profits from the receipts of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Penalty
for injuring
road; pro-
viso.

Sec. 18. If any person shall willfully, knowingly and maliciously remove a stake, deface, or injure in any manner, any bench, stake, or fixture, set by any engineer, superintendent, or other person in the employ of said company; or by any other means injure, impair or destroy any part of the railroad constructed by the company under this act, or destroy any of the necessary works, buildings or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to said company a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of the company, by an action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction by such officer, shall be punished by fine and imprisonment at the discretion of the court: *Provided*, The imprisonment shall not exceed two years.

Right of state
to purchase.

Sec. 19. The state shall have the right at any time after the expiration of fifteen years from the completion of said railroad,

to purchase and hold the same, for the use of the state, at a price not exceeding the original cost of the said road, exclusive of the repairs thereof, and fourteen per centum thereon, of which cost an accurate account shall be kept, and submitted annually on the first Monday of January, to the legislature, duly attested by the oath of the officers of said company, and at such other times as the legislature shall require the same.

Annual
report to
legislature.

Sec. 20. Said company shall at all times, if required by the post-office department, transport the United States mail upon said road as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches three times a week a like distance upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of the mail.

Carry United
States mail;
proviso.

Sec. 21. The state shall have the right of subscribing, at any time within two years, any number of shares in the capital stock not taken of said company, not exceeding nine hundred shares; in such case the legislature may increase the number of shares and stock which said corporation may hold, to the amount of the sum by them subscribed.

Right of state
to subscribe
to capital
stock.

Sec. 22. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state shall be received as evidence thereof: *Provided, however*, If at the expiration of the said fifteen years, the said company shall have received fifteen per centum per annum, upon the original cost of construction and all other expenses, and upon the money expended in the repairs of said road and for fixtures, then the state shall have the privilege of purchasing said road and fixtures at eight per centum on the cost aforesaid.

Act declared
public; pro-
viso.

Sec. 23. Nothing in this act shall be construed to authorize or empower said company to carry on banking business, or to use or employ the funds or any part thereof, or permit the same to be used or employed in the purchasing of stock of any bank or any other stock for any purpose or in any manner not authorized by this act.

Banking
privileges
prohibited.

Width of
railroad.

Sec. 24. The said railroad shall be built, so far as relates to the width of it, to conform to and accord with the railroads built or hereafter to be built by this state.

Not entitled
to damages.

Sec. 25. Said railroad company shall never be entitled to any damages on account of any similar improvements made by this state, that may render its stock less valuable.

Power to
amend.

Sec. 26. The legislature of this state may alter or amend this act by a vote of two-thirds of each house.

Approved, April 5, 1838.

[No. 97.]

AN ACT to amend an act entitled "An act to incorporate the village of Tecumseh."

Village limits
extended.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the limits of said village be so altered as to extend half a mile south from the intersection of Ottawa and Shawnee streets in said village.

To license
grocers and
taverns.

Sec. 2. That the board of trustees of the village of Tecumseh shall have the right to regulate and license all groceries and taverns within the corporate limits of said village, and to regulate and provide for the selling and vending of all intoxicating liquors by said groceries and taverns, and to make and ordain such by-laws for the good government of said village, relating to the same, as to the said board of trustees may seem proper.

Money to be
paid into
treasury;
 proviso.

Sec. 3. All moneys arising from such licenses shall be paid into the treasury of said village, and be drawn out and used for the building and repairing the streets, sidewalks, bridges, and other public purposes that the interest and good order of said village may require: *Provided*, That nothing in this act shall be so construed as to relieve the keepers of taverns and groceries, in said village, from obtaining from the authorities of this state, licenses for such taverns and groceries, in the same manner as though this act had not been passed.

Sec. 4. This act shall be in force from and after its passage,

Approved, April 5, 1838.

[No. 98.]

AN ACT to organize the county of Ingham.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Ingham be and the same is hereby organized, and the inhabitants thereof entitled to all the rights and privileges to which by law the other counties of this state are entitled. Ingham organized.

Sec. 2. All suits, prosecutions and other matters now pending before any court, or before any justice of the peace of Jackson county, to which the said county of Ingham is now attached for judicial purposes, shall be prosecuted to final judgment and execution; and all taxes heretofore levied, shall be collected in the same manner as though this act had not passed. Suits pending; taxes.

Sec. 3. The circuit court for the county of Ingham, shall be held on the first Tuesdays of June and November in each year; and until convenient buildings be erected at the county seat, at such place in said county as the supervisors or commissioners thereof shall direct. Courts, when and where held.

Sec. 4. There shall be elected in the said county of Ingham, on the first Monday of June next, all the several county officers to which by law the said county of Ingham is entitled, and whose terms of office shall severally expire on the thirty-first day of December next ensuing, and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers. Election for county officers.

Sec. 5. The board of county canvassers under this act, shall consist of one of the presiding inspectors of said election from each township; and said board shall meet at the dwelling-house nearest the county seat of said county, on the Thursday next after said election, at or before three o'clock, P. M., of said day, and organize by the appointment of one of their number chairman and another secretary of said board; and thereupon proceed to calculate and ascertain the whole number of votes given at such election for any individual for either of said offices, and shall set down the names of the several persons so voted for, and the number of votes given to each for either of said offices in said county, in words at full length, and certify the same to be a true canvass of the votes given at such election in said county, and that the person receiving the highest number of votes for either of said County canvassers.

offices, is duly elected to said office ; which certificate shall be signed by the chairman and secretary, and delivered to the clerk of said county, to be filed in his office.

When act to
take effect

Sec. 6. This act shall be in force and take effect on and after the first Monday of June next.

Approved, April 5, 1838.

[No. 99.]

AN ACT to authorize Phineas Swarthout, a minor, to convey a certain piece of land therein named.

By direction
of judge of
probate may
convey cer-
tain lands.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall and may be lawful for Phineas Swarthout, of the county of Hillsdale, a minor under the age of twenty-one years, by the direction of the judge of probate of said county, signified by an order made upon the hearing of all parties concerned, on the petition of said minor or his guardian, to convey or assure unto Hervey Smith, of said county of Hillsdale, his heirs and assigns, the east half of the south-west quarter of section number twenty-eight, in township number five south, of range number three west, containing eighty acres of land, be the same more or less.

Conveyance
so have same
effect as
though minor
was of age.

Sec. 2. And such conveyance or assurance so to be had and made, as aforesaid, shall be as good and as effectual in law, to all intents and purposes, as if the said minor was, at the time of making such conveyance or assurance, of the full age of twenty-one years.

Approved, April 5, 1838.

[No. 100.]

AN ACT to amend an act entitled "An act to incorporate the village of Niles, and the act or acts amendatory thereof."

Corporation
limits.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the township of Niles, in the county of Berrien, as is contained within the

present limits of the town plats of the village of Niles, and the respective additions thereto, recorded according to law, shall be and the same is hereby constituted a town corporate, by the name and title of the "Village of Niles."

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the state of Michigan, shall meet at the school-house in said village, or at such other place within the corporate limits of said village as the recorder shall designate, and then and there proceed by a plurality of votes to elect by ballot a president, recorder, treasurer, and six trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if an election of president, recorder, treasurer and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation for that cause shall not be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Election of president, recorder, treasurer, and trustees; five a board.

Sec. 3. At the first election to be holden under this act, which shall be held on the first Monday of March next, the president, recorder, and one or more trustees of the present village of Niles, shall be judges and clerk of the election; and at all subsequent elections, the trustees or any two of them shall be judges and the recorder clerk of the election; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten o'clock, A. M., and close at three o'clock, P. M., of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the clerk shall make a true record thereof and within five days after such election, the clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder to give notice of said election at least six days before each and every election, by posting up notices in at least five places in said village.

First election; persons elected to be notified; notice of election.

Sec. 4. Every person offering to vote at any such election, before he shall be permitted to vote, shall, if required by the officers holding said election, or by any person qualified to vote thereat, take the following oath or affirmation: "I do solemnly

Oath to be taken by voters when challenged.

and sincerely swear (or affirm) that I am a natural born (or naturalized) citizen of the United States, (or that I was a resident of the state of Michigan at the time of the signing of the constitution thereof,) of the age of twenty-one years, according to my best knowledge and belief; and that I have been a resident of the state of Michigan for six months next preceding the election, and am now a resident of the village of Niles, (and that I have not voted before at this election;") and upon taking such oath, he shall forthwith be permitted to vote.

President to
preside at all
meetings;
recorder to
keep record
thereof.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council; and it shall also be the duty of the recorder to attend all such meetings and keep a fair and accurate record of their proceedings.

Official oath.

Sec. 6. The officers elected by virtue of this act, shall each before entering upon the duties of his office, take an oath or affirmation, to support the constitution of the United States, and of this state, and also faithfully discharge the duties of his office.

Body cor-
porate.

Sec. 7. The president, recorder, and trustees of said town shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "The Common Council of the village of Niles," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record and any other place whatsoever, and may have a common seal, and may change and alter the same at their pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for the use of said corporation.

Township
government.

Sec. 8. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

Meetings of
common
council, &c.

Sec. 9. The president, recorder and trustees, when assembled together and duly organized, shall constitute the "Common Council of the village of Niles," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business; and the said common council shall hold their meetings at such

time and place as the president, or in his absence, the president pro tem. may appoint ; and the common council shall have power to impose, levy and collect such fines as they may deem proper, for non-attendance of the officers and members thereof, at any such meeting, and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance.

Sec. 10. The president, recorder and trustees, or a majority of them, shall have power to remove at pleasure any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal or any other cause ; and all officers so appointed, shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Sec. 11. The treasurer, collector and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties of the trusts reposed in them, as the common council shall direct and require.

Sec. 12. The common council shall have full power and authority to appoint a marshal, assessors, collectors and other officers ; to make by-laws and ordinances relative to the duties, powers and fees of said officers ; relative to the time and manner of working upon the streets, lanes and alleys of said village ; relative to the manner of assessing, levying and collecting all highway and other taxes in said village ; and the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine or otherwise, of all persons occasioning the same ; to construct sewers and reservoirs ; to license all showmen ; to regulate the number and license all groceries and other places where spirituous or fermented liquors are sold in less quantities than by the quart ; to regulate or suppress all games of chance or hazard ; to compel the owners of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council ; to regulate and establish ferries and bridges within the limits of said village ; relative to the protecting of the village from fires ; relative to the calling of meetings of the electors of said village ; relative to the keeping and sale of gunpowder in said village ; relative to the restraining of swine, cattle, horses and other animals from run-

ning at large in the streets, lanes and alleys and other public places in the village ; to regulate and establish one or more pounds for said village ; relative to billiard tables, and all other tables kept for hire, gain or reward in said village and also full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly houses ; relative to the filling up of all low grounds, or lots covered or partially covered with water, and also relative to the embanking of the river St. Joseph within said limits of the corporation : *Provided always*, Such by-laws and ordinances are consistent with the constitution of the United States, and the laws of the state of Michigan : *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village.

Fires ; va-
grants, &c.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace ; for the suppression of riots and gambling, and for the punishment of the same ; for the apprehension and punishment of all vagrants, drunkards and idle persons ; and they shall have power to make all by-laws and ordinances as to them shall seem necessary for the safety and good government of the said village and the inhabitants thereof, and to impose fines, penalties and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

Town hall,
market, &c.

Sec. 14. The common council shall have full power and authority to build a town hall of suitable dimensions for the transaction of all corporation business ; to establish, keep and regulate one or more markets in said village, and appoint proper officers to superintend the same ; and shall also have power to prevent the vending of liquors in any place within said village not duly licensed ; to prohibit bathing in any public waters within the village ; to prevent the incumbering of the streets, sidewalks, alleys or public grounds, or squares ; to provide for clearing the river, St. Joseph, or other streams within the limits of said corporation, of all wood, filth or other nuisances ; to regulate all graveyards and burial of the dead in said village.

Sec. 15. The common council shall have authority to lay out ^{Streets, &c.} and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, water-courses and bridges as may be deemed necessary by the electors of said village in legal meeting assembled; also, to vacate streets, lanes, alleys, sidewalks and highways; to determine the width of the sidewalks: *Provided*, That no property shall be taken from any individual until said individual shall be paid therefor the damage thereon, to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose.

Sec. 16. The recorder, treasurer, marshal, and such other officers ^{Compensation of officers.} as may be appointed by this corporation, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the town council shall receive no pecuniary compensation, unless the electors in legal meeting assembled shall order otherwise.

Sec. 17. The common council shall, at the expiration of each year, cause to be published a just and true account of all moneys ^{An account of all moneys received and expended to be published.} received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof; previous to which they shall audit and settle the accounts of the treasurer, and the accounts of all other officers or persons having claims against the village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation; the amount of taxes raised; the amount of contingent expenses; the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Sec. 18. In all processes, prosecutions, or other proceedings ^{Jurors and witnesses.} wherein the common council of said village shall be a party, no freeholder of said village shall be deemed an incompetent juror or witness on account of the interest of such freeholder in the event of such process or proceedings.

Sec. 19. Whenever any action or suit shall be commenced ^{Service of process against corporation.} against said corporation, process against said corporation shall be served by the levying of a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his

usual place of abode therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, The first process shall be by summons and a copy thereof left with the recorder at least eight days before the return day thereof.

Taxes.

Sec. 20. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all the real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes so assessed and collected shall not exceed in any one year one-half of one per centum upon the valuation of said real and personal property, and every assessment of tax lawfully imposed or laid by the said common council on any lands, tenements, hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making such assessment or imposing such tax until paid, and the owners or occupants or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment or any part thereof, it shall be lawful for the collector of said village to sell personal estate, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant, or lessee: *Provided*, That whenever any real estate shall be sold by said collector, notice thereof shall be published in a newspaper printed in said village, or by written notices posted up in five of the most public places in said village for at least one month, and all real estate so sold shall be liable to be redeemed in the same manner as lands sold by sheriffs may by law be redeemed, and all personal estate so sold shall be sold according and in such manner as the common council may direct.

**Notice of
completion
of assess-
ment.**

Sec. 21. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property real and personal in said village, it shall be their duty to give notice thereof by publishing in any of the newspapers printed in said village by at least two insertions, or by written notices posted up in five of the most public places in said village, at least two weeks, stating the place where the said roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any person interested to

the valuation so made by them, and at the time and place so appointed, the said assessors shall meet, and on the application of any person conceiving him or herself aggrieved, may review and reduce the said valuation on sufficient cause being shown upon oath to the satisfaction of the said assessors or a majority of them; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized upon sufficient cause being shown, to reduce said valuation.

Sec. 22. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder and delivered to the marshal or such other person as shall be appointed collector, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Duplicate
of taxes.

Sec. 23. The common council shall have power to appoint one or more street commissioners or other officers to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, according and in such manner as they may from time to time be directed by the common council, also for establishing the line upon which buildings may be erected and beyond which such buildings shall not extend, and the common council shall cause the expenses of grading such streets, or making such sidewalks, to be assessed on lots or premises adjoining such improvements or by general assessment or otherwise, as they may direct.

Street com-
missioner.

Sec. 24. All moneys to be raised by tax in said village shall be collected and paid over by the collector or marshal to the treasurer of said village, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Taxes to
be paid to
treasurer.

Sec. 25. The common council shall have authority to establish and organize all such fire companies and hose and hook and ladder companies, and provide them with the proper engines and other instruments as shall be necessary to extinguish fire and preserve

Fire com-
panies, &c.

the property of the inhabitants of said village from conflagration, and to appoint from among the inhabitants of said village such number of men willing to accept as may be deemed proper and necessary to be employed as firemen : *Provided*, Such number does not exceed fifty in the management of one engine, and each fire and hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company ; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof, and the members of such company, during their continuance as such, shall be excused from all duty in the militia in time of peace, and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, ladders, and other instruments of such company, and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining, said engines and other implements with a view to their perfect order and repair.

Certain
taxes, how
expended.

Sec. 26. All moneys raised by tax, imposed by the common council of the village of Niles, upon the property included within the limits of the various additions, by this act included within the corporate boundaries of the said village of Niles, shall be laid out and expended upon such additions as yield the tax.

Marshal's
duty in case
of fire.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and be aiding and assisting as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, as may be present at the fire.

Public act.

Sec. 28. This act shall be deemed a public act, and shall be construed benignly and favorably for every beneficial purpose therein intended.

Repealing
clause.

Sec. 29. All acts or parts of acts heretofore enacted in regard to the village of Niles, coming within the purview of this act, shall

be, and the same are hereby repealed : *Provided, however,* That the repealing of said laws shall not affect any act already done, right accrued, acquired, or proceeding had or commenced by virtue thereof, but the same shall remain as valid, and the same may be proceeded in, as if the same laws hereby repealed and each of them had remained in full force.

Sec. 30. This act shall take effect and be in force whenever the electors, residents within the limits hereinbefore described, shall so far conform to its provisions as to render the same effective, and the legislature may at any time amend or repeal the same.

Approved, April 5, 1838.

[No. 101.]

AN ACT in relation to supervisors.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisors to be elected in the townships of the several counties of this state, in the month of April next, shall do and perform all and singular the duties imposed on the county commissioners by the revised statutes, from and after the time the said statutes shall take effect, until the said county commissioners are elected and qualified.

Supervisors to perform duties of county commissioners.

Approved, April 6, 1838.

[No. 102.]

AN ACT further to provide for proceedings in Chancery in certain cases.

Whereas, it is provided in the ninth section of the act entitled Preamble. "An act to establish a court of chancery and for other purposes," passed March twenty-sixth, eighteen hundred and thirty-six, that all the certain suits and matters in chancery therein mentioned, in which the chancellor of this state was of counsel or interested, should be proceeded in by the courts "in which the same originated;" whereas, by an act passed on the same twenty-sixth day of March, eighteen hundred and thirty-six, entitled "An act to organize the supreme court and to establish circuit courts," it is

further provided that the courts of the late territory of Michigan be abolished on the fourth day of July, eighteen hundred and thirty-six ; whereas, sundry suits in chancery, which had originated and were pending in said territorial courts, on the said fourth day of July, eighteen hundred and thirty-six, remained not transferred into the court of said chancellor, by reason that he had been of counsel or interested therein as aforesaid, and could not be further proceeded in after said fourth day of July, eighteen hundred and thirty-six, in the said territorial courts, by reason of the abolition thereof as aforesaid ; and whereas, it is manifestly the intention of the constitution of this state, and of the "schedule" thereof, that no such suit or matter should abate, nor be discontinued, by reason of the change of government and the abolition of said territorial courts ; therefore,

Supreme court to take cognizance of certain suits in chancery pending in territorial courts.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That nothing in either of said here-in above mentioned acts contained, shall be so construed as to abate or discontinue any suit, action, or bill in chancery, nor any unsatisfied judgment or decree, (being suits, actions, bills in chancery, judgments or decrees in chancery, wherein the present chancellor of this state was of counsel or interested as aforesaid,) which had originated in any of said territorial courts, and therein, on the said fourth of July, eighteen hundred and thirty-six, pending, being, or remaining ; but henceforth, and upon the proper certificate of said chancellor, the said supreme court of this state shall take cognizance thereof as fully and amply, and the same shall be deemed and holden to be in the same plight and condition, in all respects whatsoever, as if it had not been improvidently provided, that said suits and matters should be proceeded in by the courts "in which the same originated ;" and it shall be competent for said supreme court to pass and make all necessary rules and orders the better to give effect to the object and intention of this provision, and to insure the attainment of right and justice in the premises : *Provided, nevertheless*, That nothing herein contained shall be construed or taken in anywise to vacate or affect any order, decree or judgment of said supreme court, in any one of said suits, actions, bills or matters heretofore actually made or rendered.

Chancellor interested.

Sec. 2. In all cases and matters in chancery, in which the chancellor of this state may at any time thereafter have been

employed as solicitor or counsellor, or in which he may be in anywise interested, the supreme court of this state shall have and exercise the same ample and original jurisdiction as said chancellor could have and exercise, had he not been so employed as counsellor and solicitor, or had not been so interested therein; and in such cases, suits may be commenced or recommenced, continued and proceeded in, to final hearing and decree, in said supreme court, according to the established usages of courts of chancery, and according to the provisions of the laws of this state, regulating proceedings in chancery for the time being in force.

Sec. 3. All suits now pending in the court of chancery, in which the chancellor shall have been interested as solicitor or counsellor, shall upon the certificate of the chancellor of such fact, be transferred to the supreme court, and shall be proceeded in, in said supreme court, in the manner as if such suits had been commenced in the said court; under the provisions of the foregoing section.

To be transferred on certificate of chancellor.

Sec. 4. Any judge of the supreme court may grant injunctions, and dissolve and reinstate the same, may hear petitions, pass orders, allow motions, and do and perform all such acts, and exercise all such powers, in vacation, in all cases in which, (by reason of his having been of counsel or otherwise interested,) the chancellor shall not have jurisdiction, as according to the established usages of courts of chancery and the laws of the land, the chancellor in ordinary cases, might, could, or ought to do.

Injunctions.

Approved, April 6, 1838.

[No. 103.]

AN ACT to extend the time of payment of the university and school moneys, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time of payment of the moneys arising from the sale of the university and primary school lands, is hereby extended to the first day of December next; and the superintendent of public instruction is hereby directed to extend said payment, upon receiving from the purchaser or purchasers of said lands a written assent and agreement that

Extended to first December.

the said moneys falling due shall and will then and at that time be paid, with the interest, and that all future payments shall be made the same time in each and every year until the whole amount is paid: *Provided*, That in his opinion such extension can be made without injury or prejudice to the said funds respectively.

Superintendent not to loan money to individuals.

Sec. 2. That all acts or parts of acts authorizing the superintendent of public instruction to loan the university and school moneys to individuals, on bond and mortgage or otherwise, be and the same are hereby repealed.

Salary of superintendent to be paid from school fund.

Sec. 3. The salary of the superintendent of public instruction shall be paid out of the university and primary school fund, any law to the contrary notwithstanding.

Approved, April 6, 1838.

[No. 104.]

AN ACT to provide for a change of location in the Lapeer road, in the township of Orion, in the county of Oakland.

Commissioners.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Parry, George F. Hemingway and Gressee Dreker, be and they are hereby appointed commissioners for the purpose of so changing the present location of the Lapeer road, as to intersect the Pontiac road, on sections one and two in the township of Orion, and south of the present location: *Provided*, The said commissioners, or a majority of them, shall consider the same expedient and for the public convenience.

Approved, April 6, 1838.

[No. 105.]

AN ACT to authorize the supervisors of the county of Kalamazoo to borrow a certain sum of money to complete their court-house, and construct a jail.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the supervisors of the county of Kalamazoo, be, and they are hereby authorized to borrow, on the credit of the county, at an interest not exceeding seven per cent, and for a term of time not less than three years, nor more than ten years, a sum of money not exceeding six thousand dollars, for the purpose of completing the court-house and jail of said county.

Sum not to exceed six thousand dollars.

Approved, April 6, 1838.

[No. 106.]

AN ACT to amend an act entitled "An act to incorporate the Detroit and Shiawassee Railroad Company," approved March 22, 1837.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That so much of the third section of said act as provides for the construction of said railroad through Byron, in the county of Shiawassee, to Shiawassee village, in said county of Shiawassee, and so much of section four as relates to the time of commencing the construction of said railroad, and the finishing of the same, be and the same is hereby repealed.

Part of act repealed.

Sec. 2. Said corporation, created by this act, shall have power to continue the construction of said railroad, from the county seat of Livingston county, to Biddle City in Ingham county.

May continue road to Biddle city.

Sec. 3. Said corporation shall be permitted, (any limitation of time in the act to which this is amendatory to the contrary notwithstanding,) within two years from the first day of May next, to commence the construction of said railroad; and within four from said first day of May next, shall construct and finish, and put in operation twenty miles in distance of said railroad; and within ten years from said first day of May next, complete and put in operation the whole of said road, or in the event of

Time limited to commence construction of road, &c.

the failure of the company so to commence and construct said railroad, at the time above specified, then the rights, privileges and powers of said corporation shall be null and void : *Provided always*, That the said corporation do agree, by vote to be registered in the books of said corporation, to accept the alterations of the original act of incorporation, in this act contained.

Approved, April 6, 1838.

[No. 107.]

AN ACT for the relief of the Bank of Adrian and the Lenawee County Bank.

Bank of
Adrian may
reduce its
capital.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the president, directors and company of the Bank of Adrian, be and they are hereby authorized to reduce the capital stock of said bank from one hundred and fifty thousand dollars to eighty thousand dollars, any law to the contrary notwithstanding.

Lenawee
county bank.

Sec. 2. *And be it further enacted*, That the Lenawee county bank, at Palmyra, shall be entitled to the provisions of this act, so as to reduce the capital stock thereof to fifty thousand dollars.

Approved, April 6, 1838.

[No. 108.]

AN ACT to amend an act entitled "An act to incorporate the city of Monroe," approved March 22, 1837.

Boundaries
of corpora-
tion enlarged.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of the act to which this act is amendatory, be and the same is hereby amended so as to extend and enlarge the boundaries of said city, as follows, viz : commencing at the eastern end of the north line of said city, where it intersects the east line of the farm of Austin E. Wing, and running thence on the same course south, seventy degrees east to Lake Erie ; thence in a southerly direction along the shore of Lake Erie, to a point ten hundred and ninety-eight feet south, of the south side of the United States canal ; thence north.

sixty-eight degrees west to a point where the south line of said city running from the west line of the Frost farm, so called, intersects the east line of the Francois Robert farm, in said city, now or lately owned by George B. Harleston, and the country included within said limits, shall be subject to the provisions of the act to which this act is amendatory.

Sec. 2. The common council shall be and they are hereby authorized and empowered to finish and complete the canal and piers already commenced by the government of the United States, connecting the waters of the River Raisin with Lake Erie, together with proper piers and basins for said canal within the limits of said city; and also to improve the navigation of said river within the limits of said city, by cutting through the bends of said river, and for that purpose they are hereby authorized to raise a sum not exceeding fifty thousand dollars, by a direct tax upon the real estate situate within the limits of said city, or by a loan for that purpose to be effected, or by both or either of said ways, which said money shall constitute a safe and distinct fund, and be termed "The Canal Fund." Five commissioners, who shall be called "Commissioners of the Canal Fund," shall be elected at a special meeting to be held for that purpose by the freemen of said city, ten days' previous notice being given of the time and place of holding such meeting by the clerk of said city, by a notice published in the newspapers in said city; but no persons shall vote for said commissioners except they are the owners of real estate in fee simple in said city limits, and the votes shall be canvassed and declared in the same manner as is usual at ordinary elections for city officers; said commissioners or a majority of them shall be assessors to assess all the real estate aforesaid in said city, for the purpose of raising said fund; and they shall in making such assessment, assess the real estate in proportion as in their opinion the same will be benefited by the expenditure of the sum or sums of money so raised; they shall be severally sworn so to make said assessment, and in all things faithfully and impartially to discharge all their duties; and shall execute a bond in such sum or sums as the common council shall direct; and said commissioners or a majority of them, shall appoint a collector of said assessment, who shall hold his office at the pleasure of said commissioners, and who shall give bond in double the amount of the whole sum to be collected, with such sureties

Authorized
to complete
canal, &c.

as the said commissioners may approve, faithfully to account for and pay over, under the direction and regulation of the said commissioners, all moneys collected by him to the treasurer of said fund; and the said assessment shall be a lien on the real estate so assessed from the time of making said assessment; and in default of payment by the owners or occupants thereof, the collection shall be enforced in the same manner as is by the act to which this act is amendatory provided for the collection of city taxes. The said commissioners shall appoint a treasurer of said fund, who shall hold his office during their pleasure, and who shall enter into such bonds, and with such sureties and penalties as may be by the said commissioners from time to time prescribed, and the said treasurer shall discharge his duties in the same manner as in this act provided for the city treasurer, substituting, however, commissioners of the canal fund for common council. *Provided always,* That no such tax shall be levied or loan effected, unless a majority of the taxable inhabitants of said city, owning lands in fee simple therein, shall vote for or assent to the levying of such tax or for effecting such loan, at a special meeting to be called for such purpose by the clerk of said city, by giving sixty days' previous notice of the time and place of holding such meeting in the public newspapers printed in said city.

License
taverns.

Sec. 3. The common council shall have power to license taverns or inns, and regulate the same within the limits of said city; and it shall not be competent or lawful for the authorities of the towns of Monroe and Frenchtown to license any person or persons to keep an inn or tavern within the limits of said city.

Part of act
repealed.

Sec. 4. The forty-eighth section of the act to which this act is amendatory, and all acts and parts of acts contravening the provisions of this act, are and the same are hereby repealed.

Approved, April 6, 1838.

[No. 109.]

AN ACT to extend the powers of justices of the peace, and for other purposes.

Corporation
may be sued
in justice's
court.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all actions of assumpsit, debt, covenant, and trespass on the case against corporations,

when the amount claimed or matter in controversy shall not exceed one hundred dollars, shall be cognizable before a justice of the peace in like manner and with like restrictions as the same actions are or may hereafter be by law cognizable before a justice of the peace, when brought against an individual.

Sec. 2. The first process under this act against an incorporation shall be by summons, and which shall be served by leaving a true and attested copy thereof with the president, cashier, secretary or other principal officers of such corporation, or by leaving such true and attested copy at the banking-house or office of such corporation, or at the last and usual place of abode of such president, cashier, secretary, or other principal officer, at least five days before the return day thereof, and upon the perfecting of such service, and upon legal return thereof made, such incorporation shall be deemed in court, and the same proceedings as near as may be shall thereon be had as in cases of suits between individuals. Summons, how served.

Sec. 3. Whenever judgment shall be rendered against an incorporation, security for stay of execution may be entered as in cases of judgments against individuals. Execution shall be had only against the goods and chattels of such incorporation, except in cases when security for stay thereof has been entered, when execution may be had against the goods and chattels both of the incorporation and of such person or persons as shall have become bail in such stay. Stay of execution, &c.

Sec. 4. When the plaintiff's demand, at the time of the commencement of suit against an incorporation, shall consist of promissory or bank notes or bills of exchange, constituting distinct causes of action, and amounting in all to a sum not exceeding fifty dollars, he shall be entitled to recover but one bill of cost in the collection of the same. Costs.

Sec. 5. No suit shall be commenced on any bank notes until said notes shall have been first presented for payment at the banking-house of the bank purporting to have issued them. Suits on bank notes.

Approved, April 6, 1838.

[No. 110.]

AN ACT making appropriations in part for the year one thousand eight hundred and thirty-eight, for the pay of the officers and members of the legislature.

Appropriation to pay members and officers.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a sum not exceeding twenty-six thousand dollars shall be and the same is hereby appropriated for the pay of officers and members of the senate and house of representatives.

To be paid by fiscal agent.

Sec. 2. The officers and members of the senate and house of representatives shall be paid by the fiscal agent of the legislature, in the same manner as directed by the act entitled "An act making appropriations in part for the year eighteen hundred and thirty-seven for pay of officers and members of the legislature, approved 22d March, 1837, and of the act therein referred to; sergeant-at-arms, door keepers, recording and engrossing clerks of the senate and house of representatives, shall each be allowed three dollars per diem during their attendance; Thomas Lapham two dollars per diem as first messenger, and one dollar per diem to each of the boys employed as messengers for the senate and house of representatives; to George Coombs one dollar per diem as assistant messenger; to O. Marsh three dollars per diem for his attendance on the library, during the present session; to John Norton, one hundred dollars for his services as fiscal agent of the legislature: *Provided*, That no officer of either house, exclusive of the president of the senate and speaker of the house of representatives, shall be entitled to any mileage.

Fiscal agent to receive money from treasurer.

Sec. 3. The fiscal agent of the legislature shall be and is hereby authorized to receive from the treasurer of the state such sum of money out of the appropriation herein made as may be sufficient to satisfy the demands in the act provided for.

Approved, April 6, 1838.

[No. 111.]

AN ACT to provide for the payment of certain claims therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the state be and he is hereby authorized to pay the following sums, out of any moneys now in the treasury, not otherwise appropriated.

To Marsh and Chittenden, twenty-eight dollars and forty-four cents, for moving and repairing stoves in senate chamber, and for furnishing stovepipe. Marsh & Chittenden.

To H. B. Webster, for sundry articles for the use of the legislature, forty-two dollars and ninety-five cents. H. B. Webster.

To Wedworth Wadsworth, Austin Dunbar, Richard Patridge, Timothy Emerson, Wm. Taylor, junior, Lorenzo R. Chapman, Albon Bennett, John Smith, Joseph Pierce, Almon Dunbar and Wm. Dunbar, for one month's services in the militia, as musicians in the Hayden band, twelve dollars each. Hayden band.

To George Clark, the sum of ninety dollars, for provisions furnished the militia in the year one thousand eight hundred and thirty-five, in going and returning from Toledo. George Clark.

To C. Coggeshall & Co., for candles, five dollars. C. Coggeshall & Co.

Approved, April 6, 1836.

[No. 112.]

AN ACT for the relief of Henry S. Smith, and to provide for the collection of the state taxes in the township of Owasso in Shiawassee county, for the year 1837.

Whereas, it is represented to the legislature of the state of Michigan, that Henry S. Smith of the town of Owasso in the county of Shiawassee, has been duly elected collector of the state, county and town taxes within said town, for the year eighteen hundred and thirty-seven, and that by reason of the ignorance of said collector, of the provisions of the law requiring him to give bond within a limited time, he allowed said time to expire without complying with the requirements of law in this respect, and that Preamble.

in consequence thereof, the state, county and town taxes assessed in said town for said year, have not been collected; therefore,

Time for
collecting
taxes ex-
tended.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for collecting the state, county and town taxes within the said town, for the year eighteen hundred and thirty-seven, and for paying over the same, be extended until the first day of September next, provided that the said Henry S. Smith, or his successor in office, do within fifty days from and after the passage of this act, enter into bond to the proper authorities in the same manner, with like sureties and with like condition, as is provided by law for bonds of collectors of taxes, except that it shall provide that the money collected by said collector, be paid over to the treasurer of said county on or before the first day of December next.

Warrant for
collection
of, to be in-
dorsed.

Sec. 2. *And be it further enacted*, That in the event that the said Henry S. Smith, or his successor in office, shall have given said bond with said security as aforesaid, and shall in all respects have complied with the provisions in the first section of this act contained, within the time therein prescribed, then the warrant heretofore given to said Henry for the collection of said state, county and other taxes, upon the indorsement thereon of the name of the county treasurer of said county of Shiawassee, in his proper handwriting, with his style of office, and with the signature of the supervisor of said township of Owasso, shall be deemed to have all the same effect in the law, and shall confer all the same authority to the said Henry, to levy and collect the said taxes within the time herein above limited as the same warrant had or conferred upon said Henry, or could have had or could have conferred upon said Henry, if he had complied with the law in giving his bond within the time limited by the law in force at the time of the issuing of said warrant.

Approved, April 6, 1838.

[No. 113.]

AN ACT to incorporate the Detroit House Carpenters' and Joiners' Mutual Benefit Society.

Body cor-
porate;
powers, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Robert Elliott, Walter Kitridge, Homer Stone, James Cummings, Henry E. Perry, P. B.

Johnston, John Brennan, John S. Barker, Joseph Raymond, Thomas Hefferman and P. Barney, and such other persons as from time to time shall become members of said society, shall be, and are hereby ordained, constituted and declared to be one body corporate and politic, in deed, fact and name, by the name of "The Detroit House Carpenters' and Joiners' Mutual Benefit Society," and that by that name they and their successors shall have succession and shall be persons in law capable of suing and being sued, pleading and being impleaded; answering and being answered, defending and being defended in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and cases whatsoever; and that they and their successors shall have a common seal, and change and alter the same at their pleasure, and that they and their successors by the same name, shall be persons in law capable to purchase, take, receive, hold and enjoy to them and their successors any real estate in fee simple, or for term of life or lives, or otherwise, and any goods, chattels, or personal estate for the purpose of enabling them the better to carry into execution, encourage and promote such measures as may tend to the relief of distressed mechanics, whether members of said society or otherwise; also to the promotion of such other charitable purposes as may be deemed proper by the said society, and also to the promotion of the mechanic arts in this state: *Provided*, The clear yearly value of such real and personal estate shall not exceed the sum of five thousand dollars; and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estate, or any part thereof, at their will and pleasure; and that they and their successors shall have power from time to time to make, constitute, ordain, establish such by-laws, ordinances and regulations as they shall judge proper for the election of their officers, for the election or admission of new members of said corporation, and the terms and manner of admission; for the better government of their officers and members, or fixing the time and places of the meetings of said corporation, and for regulating all the affairs of the said corporation: *Provided*, Such by-laws and regulations shall not be repugnant to the constitution or laws of the United States, or this state; and for the better carrying on the affairs of said corporation, there shall be a president, a vice-president, treasurer and secretary of the

corporation, who shall hold their offices from the time of their appointment or election until the third Tuesday of August then next, and until others shall be chosen in their places, and that the said Robert Elliott is hereby appointed president, the said John Nerton, jr., treasurer, and the said Henry E. Perry secretary, until the first Monday of August next, and that said officers shall on said first Monday of August next, and always thereafter, be chosen by the members of the said corporation, in such manner and afterwards at such times and places as shall be directed by the by-laws of said corporation, to be made for that purpose, and that the president or vice-president and any seven members of said corporation shall be sufficient to constitute a legal meeting for the transaction of business.

Not to issue
notes, &c.

Sec. 2. The said corporation shall under no pretence issue any notes, bills, certificates or orders in the way of barter and trade, or brokerage, nor in the nature of banking operations. The legislature may at any time alter, amend or repeal this act.

Approved, April 6, 1888.

[No. 114.]

AN ACT requiring certain moneys to be repaid into the treasury.

Certain moneys to be
passed to
credit of
state.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the treasurer of the state be and he is hereby directed to pass to the credit of the state, eighty thousand dollars of the money which, by an act approved March twenty-second, eighteen hundred and thirty-seven, said treasurer was directed to pass to the credit of the fund of internal improvement; and that the same, when so placed to the credit of the state, be subject to be drawn out according to law to defray the current expenses of the state.

Approved, April 6, 1888.

[No. 115.]

AN ACT to authorize the administrators on the estate of Caius C. Robinson, late of the county of Lenawee and state of Michigan, deceased, to sell and convey certain real estate.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the administrators on the estate of Caius C. Robinson, late of the township of Palmyra, county of Lenawee, and state of Michigan, deceased, be and they are hereby authorized and empowered by and with the consent of the judge of probate of said county, to make and execute in due form of law a good and sufficient deed to Joseph G. Loomis of said township, of all the estate, right and title and interest either at law or in equity, which the said Caius C. Robinson had at the time of his decease, in and to a certain lot or tract of land situate and lying in said township of Palmyra, described as follows, to wit: being lot number six, in block number one, as laid down in the plat of the village of Palmyra, recorded in the register's office in said county.

With consent of judge of probate to convey certain lands to Joseph G. Loomis.

Sec. 2. The said administrators are also authorized and empowered by and with the consent of the judge of probate of said county, to make and execute in due form of law a good and sufficient deed to Edwin Holloway of the said township of Palmyra, of all the estate, right, title, and interest, either at law or in equity, which the said Caius C. Robinson had at the time of his decease, in and to a certain lot or tract of land situate and lying in the said township of Palmyra, and described as follows, to wit: it being all of lot number three, in block number one, and also twelve feet in width, off the north-west side of lot number two in the same block, as laid out in the plat of said village of Palmyra, recorded in the register's office in said county.

To Edwin Holloway.

Sec. 3. The aforesaid administrators are also authorized and empowered by and with the consent of the judge of probate of said county, to make and execute in due form of law, a good and sufficient deed or deeds, to Volney Spalding and George E. Pomeroy, of the said township of Palmyra, county of Lenawee, and Willard J. Daniels, William T. Daniels and Andrew Palmer, of Toledo, Ohio, in the proportions as follows, to wit: to Volney

To Volney Spalding and others.

Spalding, three-twelfths ; to George E. Pomeroy, two-twelfths ; to Andrew Palmer, two-twelfths ; and to Willard J. Daniels and William T. Daniels, together, five-twelfths, of all the estate, right, title and interest, either at law or in equity, which the said Caius C. Robinson had at the time of his decease in and to a certain tract of land situate and being in said township of Palmyra, and described as follows, to wit : beginning at a post in the centre of the highway leading to Adrian, in section fifteen, township seven south, of range four east, being a part of the town plat of the village of Palmyra, in Michigan ; five chains westerly of the quarter post, thence north forty-one degrees forty-five minutes west, twelve chains and fifty links to a post : thence north forty-eight degrees fifteen minutes east, eight chains to a post ; thence north eighty-six degrees forty minutes east, twenty-six chains fifty-five links to a post in Alexander Randall's west line ; thence south two degrees fifty-four minutes east, fourteen chains seventy-seven links to a post at said Randall's south-west corner ; thence south eighty-six degrees forty minutes west, twenty-four chains ninety-six links to the post at the place of beginning, containing forty-four acres and sixteen-hundredths of an acre of land, excepting and deducting from said tract three acres and eight hundredths of an acre for six village lots sold from said tract or premises, leaving forty-one acres and eight-hundredths of an acre of land, be the same more or less.

Notice to
show cause,
&c.; consent
of judge to
be indorsed
on deed.

Sec. 4. The judge of probate, before he shall authorize and consent to the execution of the aforesaid deeds in manner aforesaid, shall cause notice to be published in a newspaper printed in said county, at least four weeks, once in each week, requiring all persons claiming an interest in said land or lands to show cause, if any they have, before said judge at his office, on a day to be designated by him, why he should not authorize the execution of such deeds : *And provided*, That said judge of probate, before he consent to the execution of such deeds, shall be satisfied that the contract, either verbal or written, entered into by said Caius C. Robinson, and with the aforesaid individuals, for the sale of said lands, was such as would have authorized the circuit [court] of this state, under the provisions of the laws of this state, to empower said administrators to execute such deeds in manner aforesaid. And any such deed or deeds being executed and acknowledged

by said administrators, and the consent of the judge of probate indorsed thereon, shall be sufficient to vest in the aforementioned individuals, their heirs and assigns, the legal and equitable estate in said premises.

Approved, April 6, 1838.

[No. 116.]

AN ACT to provide for the election of senators in the several districts of Michigan.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the first election for senators in the first district, shall be in the year one thousand eight hundred and thirty-nine, and said district shall then elect two senators, one of whom shall be elected for one year, and one senator annually thereafter ; the second and third district shall elect one senator at the ensuing annual election, and two senators and one senator alternately each year thereafter ; the fourth and sixth districts shall elect two senators at the ensuing annual election, one of whom shall be chosen for one year, and one senator annually thereafter ; the fifth district shall elect at the ensuing annual election, two senators, and one senator and two senators alternately each year thereafter ; the seventh district shall elect one senator annually hereafter.

Number of senators to be elected in the several senate districts, and when to be elected.

Approved, April 6, 1838.

[No. 117.]

AN ACT to extend the time for the construction and completion of the Detroit and Maumee Railroad.

Whereas, the construction of the Detroit and Maumee railroad is of great importance to this state, and the company having charge of the work are apprehensive that the time limited for its completion may be too short, and for that cause capitalists may be reluctant to embark in the enterprise :

Preamble.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That should the said company, their associates and successors, incorporated by an act approved

Time for completing road extended.

the 25th August, 1835, entitled "An act to incorporate the Detroit and Maumee Railroad Company," complete said road by the first of January, eighteen hundred and forty-three, it shall be considered a full compliance with the provisions of said act, as to the limitations of the time in regard to said road; and all rights, privileges, and immunities are hereby secured to said company, agreeably to the said act of incorporation, and the act amendatory thereto, approved March 13th, 1837, excepting and excluding any construction of said acts as might authorize the said company to exercise banking powers; and so much of said acts as may give such authority, is hereby repealed, confirming all other provisions thereof.

Legislature
may amend
act.

Sec. 2. The legislature may alter or amend this act, or the act to which this is amendatory, by a vote of two-thirds of each house.

Approved, April 6, 1838.

[No. 118.]

AN ACT to authorize a loan of a certain sum of money to the University of Michigan.

Certificates
of stock to
be given by
treasurer.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of this state is hereby authorized and directed to deliver to the board of regents of the university of Michigan, for the use and benefit of the university and its branches, special certificates of stock to the amount of one hundred thousand dollars, reimbursable after twenty years, in equal annual instalments, not less than ten nor more than fifteen in number, and bearing an interest of six per cent, payable semi-annually in the city of New York, on the first Monday of January and July, in each year.

When to be
delivered.

Sec. 2. Said certificates of stock shall not be delivered to said board, until the president thereof, by authority of said board, shall have signified their assent to the provisions of this act, and filed a certificate thereof in the office of the treasurer, and shall have executed to the said treasurer and his successors in office, a bond pledging all available proceeds of the university fund for the punctual redemption of said certificates, and for the payment of the interest thereon accruing.

Sec. 3. Said stock shall be denominated the "Michigan University state stock," and the faith and credit of the people of this state are hereby pledged for the payment of the interest and the redemption of the principal thereof.

To be called
"Michigan
university
state stock."

Sec. 4. Said stock shall be issued in certificates not less than one thousand dollars each in amount, payable to said board or their order, and may be assigned and transferred at not less than their par value, by the said board or their authorized agent, on books to be kept for that purpose.

To whom
payable.

Sec. 5. The said board shall make provision for the punctual redemption of said stock, in instalments, as mentioned in the first section of this act, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the treasury of this state from any advance of money, for that purpose; and all the disposable income from the university fund, shall be and is hereby pledged for the payment of the said interest, and the redemption of the stock.

Board to
make provi-
sion for re-
demption
of, &c.

Approved, April 6, 1838.

[No. 119.]

AN ACT to provide for the adjustment of claims on the division of townships.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in all cases where public roads, or highways may have been, or hereafter may be duly laid out, surveyed and established, in any of the townships of this state, and before the expenses of laying out and establishing the same shall have been audited and allowed, or before the damages accruing by reason of the laying out and establishing the same over the land of any individual owner or owners shall have been duly assessed and paid, such township shall have been, or hereafter shall be divided, and a new township, or townships shall have been, or hereafter shall be erected therein, then, and in all such cases, such expenses shall be paid by such divided or newly erected township, in which such public road or highway may be, and such damages shall be assessed and paid, in the same manner and by the same persons, or township, as if such proceedings in

When ex-
penses of
laying out
roads to be
paid by old
or new
township.

the laying out and establishing of such road or highway, had been commenced after such division, by the divided or newly erected township in which such road may be.

When by
both town-
ships.

Sec. 2. But if such public road or highway be located in or through both of such divided or newly erected townships, and be required by the interest of the whole of the original township, then such expenses shall be chargeable to, and paid by both of said divided or newly erected townships, in equal and proportionate parts.

Township
board to
audit ex-
penses, &c.

Sec. 3. And it shall be, and is hereby made the duty of the township boards, or proper township officers, of such divided or newly erected township, (or townships, as the case may be,) to audit, pass upon and allow all such reasonable expenses as may have been, or may be incurred, and such just and legal claims and demands as may have been, or may be preferred, by reason of such proceedings, and to cause to be duly liquidated and adjusted all such damages as may have been, or may be duly assessed to and for the benefit of individuals, by reason of such proceedings.

Supervisors
or commis-
sioners to
include same
in taxes.

Sec. 4. And it shall be, and hereby is made the duty of the board of supervisors, (or of the board of county commissioners,) of the proper county, after such expenses, claims, damages, &c., shall be or shall have been audited, assessed and ascertained as aforesaid, upon the proper certificate thereof, at their session for assessing and levying the county and other public taxes, then next, after the production of such certificate or certificates, to be holden, to include in their assessment of such public taxes and their warrant of collection, a township tax, or township taxes upon such divided or newly erected township or townships, of a sum, or sums sufficient to defray such expenses, damages, &c., which, when collected, shall be applied to the payment and satisfaction thereof.

When super-
visors or
commission-
ers may
audit ex-
penses, &c.

Sec. 5. And if such township board, or proper township officers, shall neglect or refuse, upon reasonable demand, to audit, pass upon and allow such expenses, claims, &c., then, and in that case, it shall be competent for said board of supervisors, (or board of county commissioners, as the case may be) to audit, pass upon and allow the same, in just and proper proportion, and according to the provisions of this act, and thereupon to proceed in the same

manner as if the proper officers of the township or townships had assessed, or caused to be assessed, said damages, and audited and allowed said expenses, claims, demands, &c.

Approved, April, 6, 1838.

[No. 120.]

AN ACT to provide for the distribution and sale of the laws.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the county clerk of each organized county, once in each year, and within one month after the legislature shall have adjourned, to forward by mail to the secretary of state, a statement of the number of county and township officers in his county who by law are entitled to a copy of the revised laws, and the laws of the next preceding session of the legislature; and as soon as the laws are published and ready for distribution, the secretary of state shall, at his office, deliver to such clerk, or to his order, the number of copies set forth in such statement, and take a receipt therefor; which copies, before they are delivered, and when it is necessary, shall be packed into a good strong box for the purpose of transportation.

County clerks to furnish statement of county and township officers entitled to laws.

Sec. 2. The county clerk, on the receipt of the laws, shall give notice in one or more newspapers published in his county, and when no newspaper is published, by posting up written notices in three of the most public places, that they have been received by him, and are in his office ready for distribution, and he shall take and preserve in his office a receipt for each copy distributed by him, of the person entitled to and receiving the same.

On receipt of laws, to give notice thereof, &c.

Sec. 3. Every person who is entitled to a copy of the laws on account of any office held by him, shall, when he ceases to hold such office, deliver over to his successor in office all laws received by him as such officer, and take the receipt of his successor therefor, and deposite such receipt, if a township officer, with the township clerk, and if a county officer, with the county clerk; and any person who shall refuse or neglect to deliver over to his successor in office all laws received by him as aforesaid, shall be

Officers to deliver laws to successors, &c.

liable to his successor in an action for money had and received, for the amount it shall cost him to furnish himself with such laws; and such action, on request, shall be brought and prosecuted by the prosecuting attorney of the county.

Expense.

Sec. 4. The expense of publishing the notice aforesaid, and of transporting the laws from the seat of government to the county clerk's office, shall be allowed and paid as other county expenses.

Notice to be given by secretary of state.

Sec. 5. As soon as the laws are ready for distribution, the secretary of state shall give notice thereof for three weeks in the state paper, and he shall also transmit by mail a written notice thereof to each county clerk.

Expense of boxes.

Sec. 6. All accounts for boxes furnished to the secretary of state for packing and distributing the laws in, when certified by him to be correct, shall be audited and allowed by the auditor general, and be paid out of any moneys in the treasury not otherwise appropriated.

Auditor general may sell laws, &c.

Sec. 7. The auditor general may sell any number of copies, not less than ten at any one time, of the revised laws, or other laws published by the state, journals and other documents, at a price not less than the original cost; and upon receiving the treasurer's receipt for the amount to be paid, he shall give his order for them on the secretary of state, who shall thereupon deliver to the person presenting such order the number of copies named therein.

Approved, April 6, 1838.

[No. 121.]

AN ACT authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall railroad company.

Governor to negotiate loan, to be paid into state treasury.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor shall be and he is hereby authorized and directed, in the name and behalf of the people of this state, to negotiate and agree for a loan or loans, not exceeding in the whole the sum of one hundred thousand dollars, redeemable at the pleasure of the state, at any time after the expiration of twenty-five years from and after the first day of

June, one thousand eight hundred and thirty-eight, on the best and most favorable terms and conditions that can, in his judgment, be obtained, at an interest not exceeding six per centum per annum, payable half yearly; and the proceeds of such loan or loans shall be paid into the treasury of the state, to be disposed of as hereinafter provided.

Sec. 2. For the purposes of effecting the loan or loans aforesaid, the governor is hereby authorized and directed to cause to be made and issued, certificates of stock or bonds, in sums not less than one thousand dollars each, to be signed by himself and countersigned by the secretary of state, with the great seal of the state impressed thereon; which said certificates or bonds shall be drawn in favor of the auditor general, and being indorsed by him, shall become transferable, and shall be delivered to the governor, to be by him transferred in such form as he shall decide, to be redeemable as aforesaid, and to bear interest as aforesaid, payable on the first days of January and July in each year, in the city of New York. And it is hereby declared that it shall be deemed a sufficient execution of said power to borrow, that the governor cause the said certificates or bonds to be sold: *Provided*, That the same shall not be sold below their par value.

Sec. 3. The faith of this state is hereby pledged for the payment of the loan or loans hereby authorized to be contracted for, principal and interest, according to the terms of the certificates or bonds so issued.

Sec. 4. That the proceeds of the said loan or loans shall be paid into the treasury of the state for and on account of the Allegan and Marshall railroad company, to be used as follows: whenever the stockholders or directors of the said company shall execute to the auditor general, who is hereby made capable of receiving the same in behalf of the state, good and sufficient security by bond or bonds, in the sum of two hundred thousand dollars, and by mortgage in the same amount upon unincumbered real estate situate in the state of Michigan, satisfactory to the governor and the auditor general, conditioned for the immediate and faithful application of the said sums to be advanced by the state, to the construction of so much of the said railroad as lies between the villages of Allegan and Kalamazoo, and for the final payment of the said sums so advanced, with interest thereon semi-annually, on the first days of January and July in each year, according to

Certificates
of stock.

Faith of state
pledged.

Loan to be
paid into
state treasury;
when
auditor to
deliver his
warrant
therefor to
company.

the tenor and condition of the certificates or bonds issued by virtue of this act ; and whenever the Allegan and Marshall railroad company shall produce to the auditor general satisfactory evidence, by the affidavit of the treasurer, chief engineer and two of the directors of said company, and by the affidavits of such other directors or agents of said company as the auditor general shall reasonably require, that the sum of five thousand dollars has been paid in by the stockholders of said company upon the capital stock thereof, and that the said sum has been actually and judiciously expended in the construction of the Allegan and Kalamazoo railroad, the said auditor general shall issue and deliver to the said company his warrants on the treasurer of the state to the amount of five thousand dollars ; and that when and so often as the said company shall produce like evidence to the auditor general of further sums, not less than five thousand dollars at each time, having been paid in by the stockholders of said company upon the capital stock subscribed, and that the same has been actually expended as aforesaid, and that all sums received from the state have been expended in the actual construction of said road, the said auditor general shall issue and deliver to the said company his warrants on the treasurer as aforesaid, for an equal amount so paid in, in sums not less than five thousand dollars, until the whole amount of said warrants so delivered to said company shall amount to one hundred thousand dollars.

Default in
payment of
interest or
principal.

Sec. 5. That in case said company shall make default in the payment of the interest upon the moneys so loaned thereto, or of the principal of the said certificates or bonds at the time and place when and where the same may be payable, or any part thereof, it shall be lawful for the auditor general to sell the said railroad and appurtenances at public auction, to the highest bidder, giving at least two months' notice of the time and place of sale, by advertisement to be published once a week in the state paper, or to buy the same at such sale, for the use and benefit of the people of this state, subject to such disposition in respect to said road or its proceeds as the legislature may direct. And the auditor general shall also upon such default proceed to enforce the collection of the said bonds and the foreclosure of the said mortgages so executed by the company as aforesaid, to such an extent as will reimburse the state for the said loan, with all expenses attending the same.

Sec. 6. That the said company shall expend in the laying out and construction of the said road, all moneys paid by the stockholders of said company upon the stock subscribed, together with the moneys so loaned as aforesaid; and shall render annually to the legislature a true account, verified by the oath of the president and treasurer, of all expenditures and receipts upon the same: *Provided*, That if said road be not completed between the villages of Allegan and Kalamazoo, on or before the twenty-fourth day of March, one thousand eight hundred and forty, so much of the said loan as shall not have been paid to the said company by the auditor general, shall be withheld and retained in the treasury of the state, to be disposed of by the legislature.

Money paid by stockholders and loan to be expended in construction of road, &c.; proviso.

Sec. 7. That after the completion of the said road a full and satisfactory account of the expenditures thereupon made, shall be rendered to the auditor general, and the attorney general shall carefully examine the said accounts, requiring such evidence of faithful expenditure as shall be reasonable; and after the said examination it shall be the duty of the auditor general to release so much of the security hereinbefore provided as to the auditor general and attorney general may appear safe and expedient, so that the state shall not suffer loss.

Release of security.

Sec. 8. That the state shall at any time after the completion of the said road, have the right to purchase the same and the appurtenances belonging thereto, by paying to the said company the sum expended thereon with interest at the rate of seven per centum per annum; and in case of such purchase, the sum by this act loaned to said company, shall be deducted from the sum so to be paid.

State may purchase road.

Sec. 9. To entitle the said company to receive any of the proceeds of the said loan or loans, within sixty days from the passage of this act, the stockholders or directors of the same shall execute and file in the office of the secretary of state, a good and sufficient quit claim or assignment to this state of all the corporate rights, privileges and franchises of the said company, appertaining to so much of this railroad as lies between the villages of Kalamazoo and Marshall; said quit claim or assignment to be first approved by the governor and attorney general.

To quit claim part of road.

Approved, April 6, 1838.

[No. 122.]

AN ACT to amend an act entitled "An act for the regulation of internal improvements, and for the appointment of a board of commissioners."

Disbursements of acting or other commissioner audited by auditor general; clerk.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all accounts for disbursement of moneys, made by any acting or other commissioner of internal improvement, instead of being audited by the auditor of the board, as heretofore, shall be audited by the auditor general of this state, any law now in force to the contrary notwithstanding; and to enable the said auditor general to accomplish the additional duties imposed upon him by the provisions of this act, he shall be allowed a clerk, whose compensation shall not exceed four hundred dollars in full for all services performed.

Advances to acting commissioners limited; when and how made; proviso.

Sec. 2. That from and after the passage of this act, it shall not be lawful for the board of commissioners on internal improvement, to order the advance of any sum of money exceeding five thousand dollars at any time, to either of the acting commissioners on internal improvements, for the prosecution of any work; but to that extent, upon the production to the auditor general of the order of said board, said order being accompanied by a true copy of the record of the proceeding of said board relative thereto, exhibiting the vote of the members thereof, by ayes and noes, it shall be lawful for said auditor general to issue his warrant, and it shall not be lawful for said auditor general to issue any warrant for a further advance to such acting commissioner, until he shall fully have accounted for the first advance, so as aforesaid made, nor until such commissioner shall have produced satisfactory vouchers to said auditor general, showing that said money so as aforesaid advanced, has been faithfully applied and paid out on account of the works under his charge, nor until the said account shall have been duly audited and allowed: *Provided*, That this prohibition shall not extend to such advances of money as may be necessary for the procurement in proportion of such materials, engines or cars, as said board may deem necessary and proper, but the said board having first decided upon such propriety and necessity, it shall be competent for said auditor general to issue his warrant for such payment as shall have been so as aforesaid required by

said board: *Provided always*, That the order therefor shall be accompanied by a copy of the record of the proceedings of said board in the premises, which record shall contain a statement of all motions and orders having reference thereto.

Sec. 3. That every acting commissioner shall direct his individual attention and supervision to the constructing of all such part or parts of the works of internal improvement as shall be allotted to him, and no agencies or deputies for the performance of the duties appertaining to said commissioners, shall be allowed or recognized. Agencies.

Sec. 4. Every acting commissioner, before entering upon the duties of his office, shall execute and enter into a bond to the people of this state, with at least two sufficient sureties, who shall be freeholders, in the penal sum of twenty-five thousand dollars, conditioned for the faithful discharge of the duties enjoined upon him by law, which said bond shall be approved of by the auditor general of the state and filed in his office. Commissioners to give bond.

Sec. 5. That it shall be the duty of said commissioners to cause to be kept a true and detailed record of all their proceedings when met in board, which record shall contain a true statement of all motions, orders and resolutions, propounded or passed, with the vote of each member thereon respectively, by ayes and noes, plainly set down. Commissioners to keep record of proceedings.

Sec. 6. The board shall select or appoint from their number, whenever they shall deem it expedient and the service may require it, acting commissioners, not exceeding five, and each of said commissioners shall receive as compensation for their services, at the rate of twelve hundred and fifty dollars per annum, while actually employed in the execution of the duties of their office only, to be paid out of the fund appropriated for internal improvements, under the warrant of the auditor; and the same rate per annum shall be allowed for the services of the acting commissioners employed upon the works of internal improvements, up to the time of the passage of this act. Number of acting commissioners; their compensation.

Sec. 7. That the acting commissioners of internal improvement shall in no case receive or disburse on contracts, in behalf of this state, any moneys which are not as good and current as the funds received by this state on their loans. Kind of money to be received and disbursed.

Repeal.

Sec. 8. That so much of the act to which this is amendatory, and of all other acts, as contravenes the provisions of this act, be and the same is hereby repealed.

Approved, April 6, 1838.

[No. 123.]

AN ACT providing for the recording of the laws, and for other purposes.

Secretary of state to furnish laws with notes and index to state printer.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the secretary of state shall at the end of each session of the legislature, furnish to the state printer a copy of all laws passed at such session, with marginal notes and an index, for publication in a bound volume; and it shall also be his duty to examine the proof sheets, correct the same, and compare them with the original on file in his office.

To record laws.

Sec. 2. He shall record the constitution of the state and all laws passed by the legislature, in the order in which they were passed, commencing with the laws passed by the first legislature, under the state government, in books to be furnished by him at the expense of the state, and such record shall be carefully compared by him with the original acts.

Keep office at capitol; office hours.

Sec. 3. He shall keep his office at the capitol, and the same shall be kept open for the transaction of business, from nine o'clock in the forenoon, to twelve o'clock, noon, and from two o'clock to five o'clock in the afternoon.

Compensation for recording laws.

Sec. 4. For recording the constitution and laws passed by the legislature, previous to the present year, he shall be entitled to the sum of five hundred dollars over and above his annual salary.

Approved, April 6, 1838.

[No. 124.]

AN ACT authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the Ypsilanti and Tecumseh railroad company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor shall be and he is hereby authorized and directed, in the name and behalf of the people of this state to negotiate and agree for a loan or loans not exceeding in the whole one hundred thousand dollars, redeemable at the pleasure of the state at any time after the expiration of twenty years from and after the first day of January, one thousand eight hundred and thirty-nine to ensue, on the best and most favorable terms and conditions that can in his judgment be obtained, at an interest not exceeding six per centum per annum, payable half yearly, the proceeds of which loan or loans shall be deposited in the treasury of this state and denominated "The Ypsilanti and Tecumseh Railroad Fund," and the same shall be drawn therefrom agreeably to the provisions of this act.

Governor to negotiate loan.

Sec. 2. For the purpose of effecting the loan or loans aforesaid, the governor shall be and he is hereby authorized and directed to cause to be made, as soon as said company shall be duly formed according to the provisions of this act, and shall issue certificates of stock or bonds in sums of not less than one thousand dollars each; to be signed by himself and countersigned by the secretary of state, with the great seal of the state impressed thereon; which said certificates or bonds shall be drawn in favor of the auditor general, and being indorsed by him, shall become transferable, and delivered to the governor and be transferable by him in such form as he shall decide, to be redeemable as aforesaid and to bear interest as aforesaid, payable on the first days of January and July, in each year, in the city of New York, or elsewhere in the United States, should the governor find it advantageous so to contract; and it is hereby further declared that it shall be deemed a sufficient execution of said power to borrow, that the governor cause the said certificates or bonds to be sold: *Provided*, That said certificates or bonds shall not be sold for less than their par value. And the governor shall be and he is hereby authorized to make such arrangements, contracts and agreements, in behalf of the people of this state, as in his judg-

Certificates of stock, &c.

ment shall secure the payment and safe transmission of the moneys which may arise from the sale of the certificates or bonds aforesaid, to the treasurer of this state, to meet and be applied to the objects expressed in this act as the same shall be wanted.

Faith of
state pledged.

Sec. 3. The faith of this state is hereby pledged for the payment of the loan or loans hereby authorized to be contracted for, principal and interest, according to the terms of the contract or contracts in that behalf made by the governor, and the governor shall be authorized to negotiate said loan or any part thereof, in the United States or in Europe, as he may deem most advisable for the public interest.

Contingent
expenses.

Sec. 4. For the purpose of carrying into effect the provisions of this act, all contingent expenses incurred by the governor in carrying into effect the provisions of this act, shall be allowed and paid out of said fund and deducted out of the first money to be paid said Ypsilanti and Tecumseh railroad company, as hereinafter provided.

Sinking
fund.

Sec. 5. The proceeds of all railroads and canals constructed by this state, and the interests on all loans which may hereafter be made by this state from the internal improvement fund, and the dividends arising from all bank stock owned or which may hereafter be owned by this state, so far as the same may be necessary, shall, under the direction of the legislature, constitute a sinking fund for the payment of the principal and interest hereby authorized.

Road to be
mortgaged to
state.

Sec. 6. That before and at the time when the said warrants shall be delivered as aforesaid to said railroad company, all the right, title, property, interest or estate of said railroad company, in, to and for said railroad and its appurtenances, in, to and of all and singular the rights, privileges and franchises in said company by its act of incorporation or otherwise vested, shall, in and by some proper instrument or instruments in writing, under the corporate seal of said company, and signed by the president thereof, which said instrument of writing the auditor general for the time being, by the aid and advice of the attorney general, shall prescribe, be pledged, hypothecated and mortgaged to the said auditor general and his successors in office, for the use of the state, as and for the more ample security of the true, punctual and absolute repayment of the principal within twenty years as aforesaid,

and the interest semi-annually to become due and payable according to the tenor and effect of this act.

Sec. 7. That the said company shall make provision for the punctual repayment of said loan to this state within the time before specified, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the treasurer of this state from the advance of money for that purpose; and the tolls and income which shall accrue from the use of said road, when the same or any part thereof shall be constructed, after paying the necessary repairs and expenses of conducting the business thereof, shall be pledged for the payment of the said principal and interest.

Payment of principal and interest : tolls pledged.

Sec. 8. That no part of such warrants so authorized as aforesaid, shall be issued to the said company, until full and satisfactory evidence shall have been given to the auditor general, and approved by the attorney general, that no prior lien or incumbrance has been created or exists on said road or its appurtenances, except such lien or incumbrance as may be created under the provisions of this act; nor until the regular payment of the principal and interest accruing on the said state bonds shall be secured by bonds and mortgages on unincumbered real estate, to the amount of two hundred thousand dollars, the cash value of which shall be the amount of said warrants so issued to said company, to be approved of by the governor and auditor general, which said mortgages shall be recorded in the office of the register of the county where said real estate shall be situated, at the expense of said company.

When loan may be drawn from state treasury.

Sec. 9. That in case said company shall make default in the payment of either the principal of said money so loaned or the interest thereon as aforesaid, or any part thereof, it shall and may be lawful for the auditor general to sell the said road and appurtenances at public auction to the highest bidder, giving at least two months' notice of the time and place of such sale, by advertisement to be published once a week in the state paper, and in such other papers as he shall think proper, or to buy the same at such sale for the use and benefit of the people of this state, subject to such disposition in said road or its proceeds, as the legislature may thereafter direct.

Default in payment of interest or principal.

Sec. 10. That the said company shall expend in the laying out and construction of said road, all the moneys paid by the stock-

Moneys, &c. how expended.

Bonds for
proper ap-
plication of
money.

holders of said company upon the stock subscribed; together with the moneys so loaned them as aforesaid, and shall annually render to the legislature a true account thereof, verified by the oath or affidavit of the treasurer and any two of the directors of said company, together with a full statement of the receipts and expenditures; nor shall any of said warrants be delivered as aforesaid, unless previously, or at the time of the delivery thereof respectively, bond with sufficient surety satisfactory to the auditor general, conditioned for the prompt, faithful and proper application of the money mentioned in such warrants respectively, to the purposes by this act intended, and to no other, shall from time to time and so often as such warrants may be required, be delivered, properly executed, to said auditor general; and if at any time there should exist any well founded apprehension, that any of said money or any of said warrants received as aforesaid, shall not be so as aforesaid, properly, promptly and faithfully applied as aforesaid, or that it should be applied to or for any other purpose whatsoever, then it shall be competent for the chancellor of this state, upon the bill of information or other appropriate application of the attorney general at the instance of said auditor general, by injunction, appointment of a receiver or by other proper order or decree, to award such adequate and appropriate relief as the exigency may require.

Approved, April 6, 1896.

[No. 125.]

AN ACT to incorporate the village of Clinton.

Town corporate;
name.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country, situate in the township of Tecumseh, and county of Lenawee, and known and designated in and by the original surveys of public land in said county, as section four and the west half of the north-west quarter of section three, being in township five south, of range four east, be and the same is hereby constituted a town corporate, by the name of "The Village of Clinton."

Electors;
time of holding
elections;
officers;
proviso.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the state, shall meet at the "Clinton Eagle," in said village, on the first Monday of

May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot a president, recorder and six trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, That if an election of president, recorder and trustees, shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereafter prescribed.

Sec. 3. At the first election to be holden under this act, there shall be chosen viva voce, by the electors present, three judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and at all subsequent elections, the trustees or any three of them shall be judges, and the recorder clerk of the election, and at all elections to be held under this act, the polls shall be open between the hours of nine and twelve o'clock in the forenoon, and between the hours of one and three o'clock in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by the judges, and the clerk shall make a true record thereof; and within five days after such election, the said clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof, in three of the most public places in said village, or causing the same to be published in some public newspaper.

Sec. 4. It shall be the duty of the president, (or if absent,) one of the trustees, to preside at all meetings of the corporation, whether annual or special, and at all meetings of the trustees; and it shall be the duty of the recorder, or in his absence, of a deputy appointed by him, to attend all such meetings, keep a fair and accurate record of all their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Sec. 5. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession,

Manner of
opening polls
and holding
election.

President;
recorder.

Body corporate;
name;
privileges.

to be known and distinguished by the name of "The President and Trustees of the Village of Clinton," and shall be capable in law, in their corporate name, to acquire property real and personal for the use of said village, sell and convey the same, may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, and an attested copy shall be left with the recorder not less than five nor more than fifteen days before the return day thereof.

Oath of
office.

Sec. 6. The officers elected by virtue of this act, shall each, before entering on the duties of his office, take an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office.

Powers and
duties;
treasurer;
by-laws.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes: for the election or appointment of a trustee, three assessors, a marshal, and other officers for said village, and to prescribe their duties, declare their qualifications and the period of their appointment or election: *Provided*, That no officer shall hold his office more than one year, or until others be elected or be appointed; and the fees any one of them shall be entitled to receive for his services; and to require of any or all of them an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and to require of any of them such security by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall be made payable to the treasurer of said corporation, or his successors in office; and said treasurer or his successors shall have power to sue for all breaches of the same, before the circuit court of said county, or if the penalty of said bond be for a sum within the jurisdiction of a justice of the peace, then before any justice of the peace of said county not being interested in said matter, which courts are hereby authorized to hear, try and determine the same; to prohibit the running at large of swine, horses, cattle, mules, geese and sheep, within the limits of said village; to regulate the building of partition and other fences; to purchase fire engines and other necessary apparatus for the extinguishing of fires; to cause each building occupied as a house or store to be provided with fire

buckets, and to prescribe the manner in which stoves with their pipes in actual use shall be put up, and chimneys built to guard against fires ; to remove nuisances ; to grade the streets and alleys and pave them, and cause sidewalks to be made, and the expense thereof to be assessed on the lots in front of which either or all of said improvements shall be made ; but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same improvement shall petition the president and trustees for that purpose ; to keep the public highways and bridges within the corporation limits in repair ; to cause the streets, alleys, sidewalks and public highways and every part thereof, to be kept free from obstruction ; to lay out new streets and alleys, and to extend such as are already laid out : *Provided*, That the lands of no individual shall be taken for such purposes unless such individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, to be ascertained as hereinafter mentioned ; to lay a poll tax on every white male inhabitant entitled to vote at any election of officers of said village, not exceeding one dollar and twenty-five cents in each year, which property and poll tax together shall not in any one year exceed one-half of one per centum on the whole amount of personal and real estate assessed, according to the assessment roll of said corporation for the same year ; and the property within said village and the inhabitants thereof, except for property lying out of said village, shall be exempt from all road tax ; to lay taxes on all personal and real estate within the limits of said village, excepting property belonging to the village, town, county or state, and all real estate within the limits of said village used for farming purposes, excepting also places of public worship belonging to any church or congregation, and all school-houses and property belonging to any literary institution ; for the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself as the said board of trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Tecumseh, and any interest the inhabitants of the village of Clinton, as a body corporate, may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or be a

Taxes ; fines
and penal-
ties.

witness therein, and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Commissioners to assess damages; jury in certain cases.

Sec. 8. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four shall choose a fifth; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him; which commissioners shall be disinterested and inhabitants of said county, and freeholders therein; and who shall take an oath or affirmation, to be administered by the president of the village, well and truly, and without partiality or favor, to value the property to be taken and the damages to the owner aforesaid; and to assess the same upon the property benefited by the improvement, and to report such valuation and assessment to the board of trustees; which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report, may object to its confirmation by affidavit or otherwise, and the said court may at the instance of the authorities of said village, thereupon cause a legal jury to be empaneled, convened and sworn, and under the direction of said circuit court, said jury shall make a new valuation and assessment in the premises, which, if regular and due notice thereof be given, shall be final, unless for good cause the same be set aside and a new one ordered, as often as to the court may seem necessary to promote the ends of justice; property lying upon the street to be opened or continued only, shall be assessed for opening or continuing a street, and shall be assessed in proportion to the benefit derived; but no street shall be opened or continued unless on the petition of individuals owning two-thirds of the property to be assessed.

Taxes made a lien on real estate.

Sec. 9. All taxes levied upon real estate, and all assessments made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making sidewalks, shall remain a lien upon said estate until paid.

Annual statement of receipts and expenses to be published.

Sec. 10. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted upon the outward door of

the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

Sec. 11. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written or printed notices posted upon three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large upon the records of said corporation by the recorder, or the record thereof, shall be deemed prima facie evidence of said publication.

Period when
by-laws to
take effect;
affidavit of
recorder.

Sec. 12. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down in a column left for that purpose opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said trustees or a majority of them, directed to, and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names, as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money when collected to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant.

Assessment
roll; mar-
shal to col-
lect taxes.

Sec. 13. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Neglect or
refusal to
pay taxes.

Taxes unpaid for two years, lands to be sold at auction; notice of sale.

Sec. 14. The tax upon real estate with all assessments for the purposes named in the ninth section of this act, shall be put down in the said assessment roll in a column by itself, and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per centum thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction at some public place named by him in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessment and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, and by causing the same to be published in a newspaper printed in said village, if one shall be printed therein.

Time of sale; certificate; conveyance to be absolute; proviso.

Sec. 15. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, and the said treasurer shall give to the purchaser or purchasers of any such land a certificate in writing, describing the lands purchased, the sum paid thereon and the time the purchaser will be entitled to a deed for said lands; and if the person claiming title to the said land described in the said certificate, shall not within two years from the date thereof pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate, in fee simple, subject to all the claims the state shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner

and duly recorded may be given in evidence : *Provided*, Said assessment, sale and proceedings were regular and according to the provisions of this act, subject always to all claims the state or county may justly claim or have in the premises.

Sec. 16. The treasurer of said village shall have the same ^{Treasurer's fees, &c.} fees in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services, and the expenses in advertising any land for sale in pursuance of this act shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

Sec. 17. The said corporation shall be allowed the use of the ^{Corporation allowed use of county jail ; proviso.} common jail of the county of Lenawee for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation ; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases : *Provided*, That all fees and expenses incident thereto be paid and satisfied by said corporation as from time to time the same be payable.

Sec. 18. This act shall be favorably construed and received ^{Act made public.} in all courts as a public act, and copies thereof printed under the authority of the legislature shall be received as evidence without further proof.

Sec. 19. The legislature may alter, amend, or repeal this ^{Power to repeal.} act.

Sec. 20. No person shall be eligible to any office in this cor- ^{Eligibility to office.} poration, unless he shall have resided in said corporation one year next preceding his election.

Approved, April 6, 1838.

[No. 126.]

AN ACT making appropriations for the year one thousand eight hundred and thirty-eight, to defray the current expenses of the government, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representa-* ^{Governor.} *tives of the State of Michigan*, That there shall be paid to the governor two thousand dollars, for his annual salary ; to the se-

Secretary of
state, auditor
general,
treasurer,
chancellor,
judges su-
preme court,
attorney
general, ad-
jutant gen-
eral, superin-
tendent of
public in-
struction,
bank com-
missioners,
governor's
private sec-
retary, com-
missioner of
penitentiary.

cretary of state one thousand dollars, for his annual salary ; to the auditor general, at the rate of five hundred dollars, up to the first of September next, and from and after that period, at the rate of one thousand dollars per annum ; to the state treasurer, at the rate of five hundred dollars, up to the first of September next, and from and after that period, at the rate of eight hundred dollars per annum ; to the chancellor of the state, fifteen hundred dollars, his annual salary ; to the presiding judge of the supreme court, sixteen hundred dollars ; and to the two associate judges of the same court, each fifteen hundred dollars, for their annual salaries ; to the attorney general at the rate of four hundred dollars, up to the first of September next, and from and after that period, at the rate of five hundred dollars per annum, for his annual salary ; to the adjutant general, one hundred and twenty-five dollars, for his annual salary ; to the superintendent of public instruction, fifteen hundred dollars, for his annual salary ; to the three bank commissioners, each twelve hundred and fifty dollars, for their annual salaries ; to the governor's private secretary, five hundred dollars, for his annual salary ; to the acting commissioner of the state penitentiary, at the rate of two dollars and fifty cents per diem. The said several officers in this section above enumerated, shall each be paid the sums specified, quarter yearly, or at the end of every three months, commencing on the first day of January, or from the time the incumbent may have been appointed, and shall have entered on the duties of his office, or from the time he has last been paid his quarter salary.

John S. Bagg,
secretary of
state, John
Norton, Jr.
J. B. Vallee,
A. W. Buel,
newspapers.

Sec. 2. There shall be paid to John S. Bagg, one thousand dollars for arrearages on his account of one thousand eight hundred and thirty-seven, the said sum having been twice deducted from the aggregate amount of said account, for the printing of that year, first by the act of appropriation passed at the last special session, and afterwards the same sum was deducted by the auditor general, per resolution of the twenty-second of June, one thousand eight hundred and thirty-seven, when the said sum ought only to have been once deducted from the said aggregate amount of said account ; to the secretary of state, five hundred dollars, for transcribing and recording in proper books all laws that may have been passed by any legislature of the territorial or state governments, which may not have been already so transcribed and recorded, when the same shall have been so transcribed, recorded

and completed ; to John Norton, jr., cashier of the Michigan state bank, one hundred and sixty-eight dollars and seventeen cents, for moneys disbursed for firewood and repairs to the premises about the capitol ; to J. B. Vallee, forty dollars, for translating the governor's message from the English into the French language ; to A. W. Buel, forty dollars, for translating the governor's message into the German language ; to the publishers of the following newspapers, for papers furnished for the use of the members of the senate and house of representatives, during the present session, that is to say, Daily Free Press, for senate, forty dollars, Daily Morning Post, for senate, thirty dollars, Daily Advertiser, for senate, twenty dollars, Monroe Times one dollar, Tecumseh Democrat two dollars, Adrian Watch Tower three dollars, Constantine Republican one dollar, Kalamazoo Gazette three dollars, Calhoun Patriot one dollar, Grand River Times three dollars, Adrian Constitutionalist two dollars, Pontiac Herald two dollars, Coldwater Observer one dollar.

Sec. 3. There shall be a sum not exceeding thirty-five dollars appropriated to John Norton, jr., fiscal agent, which he is directed to transmit to the following named publishers of newspapers, for papers furnished for the use of the members of the senate and house of representatives, during the present session : for the Albany Argus, ten dollars ; Albany Evening Journal, two dollars ; Washington Globe, six dollars ; Washington Madisonian, four dollars ; National Intelligencer, two dollars ; Political Register, (Columbus, Ohio,) one dollar ; New York Albion, two dollars ; Evangelical Magazine and Gospel Advocate, one dollar ; Daily New York American, two dollars and fifty cents ; New York Courier and Enquirer, two-dollars and fifty cents ; Boston Atlas, one dollar ; Keeseville Herald, one dollar ; Bennington Free Press, one dollar.

Sec. 4. There shall be paid, quarter yearly, in the manner directed by the first section of this act, to the two persons employed in making marginal notes, index, superintending the printing, and otherwise arranging the revised laws, three dollars each per diem, for every day such persons shall have been actually employed, to be paid on the certificate of the secretary of state, produced to the auditor general, certifying the fact.

To F. Cowdery, for extra services as secretary pro tem. of the senate, for three days, and for bringing up the record of the jour-

John Norton,
jr., news-
papers.

Commis-
sioners to
superintend
publication
of revised
statutes.

F. Cowdery.

nal and unprinted documents of the senate, at the present session, sixty-nine dollars, to be paid him, on the certificate of the secretary of state, when the work is completed.

P. Dawney. To P. Dawney, for enrolling bill at adjourned session in December last, three dollars.

Burger & Stevens. To Burger & Stevens, two hundred and fifteen dollars and fifty cents, the amount of their account for stationery furnished the senate during the present session.

John S. Bagg. To John S. Bagg, state printer, six thousand and twenty dollars and forty-nine cents, for publishing bank certificates, for printing bills, documents and daily journals, during the present session; and for folding, stitching and binding the same, together with the executive journals for eighteen hundred and thirty-five, eighteen hundred and thirty-six, and eighteen hundred and thirty-seven, and also for binding laws for the library.

J. S. & S. A. Bagg. To J. S. & S. A. Bagg, sixty-six dollars and eighty-eight cents, for stationery furnished the senate during the present session.

Secretary of state. To the secretary of state, a sum not exceeding one hundred dollars, to insure the capital against fire, to be paid on or before the expiration of the present policy; and a sum not exceeding one hundred dollars, to be placed at the disposal of the same officer, to make such repairs as may be necessary to the capitol and the premises thereto attached; also to fit up and cause the same to be properly cleaned and put in order, and the building and premises to continue in charge of that officer during the vacation of the legislature, which he shall cause to be kept in good order.

Contingent fund. Sec. 5. There shall be a contingent fund placed at the disposal of the governor, not to exceed the sum of fifteen hundred dollars, made subject to his order, to pay unforeseen expenses, a statement of which disbursements shall be laid by the auditor general, before the legislature, at its next annual session.

Sheldon McKnight. To Sheldon McKnight, three hundred and ninety-three dollars and ninety four cents, for disbursements for postage on letters, papers and public documents, for the use of the members of the senate and house of representatives.

Clerks and witnesses on investigation of railroads. Sec. 6. The sum of nine hundred and eighty-three dollars and seventy-five cents, is also hereby appropriated, to defray the expenses of the clerks and witnesses fees before the committee appointed to investigate the location of the northern and southern

railroads, to be paid upon the certificate of the chairman of said committee.

Sec. 7. To John Norton, junior, fiscal agent, thirty-four dollars and eighty cents, being the amount paid by him to the sheriff of Oakland county, for services in summoning witnesses in the case of Judge Morell, and to C. J. Birdsall, as witness in the above case.

John Norton, Jr.

To J. S. & S. A. Bagg, for furnishing stationery and blank books for the use of the supreme court, secretary of state's office and treasurer's office, seventy-seven dollars and eighty cents.

J. S. & S. A. Bagg.

To John J. Adam, secretary of the senate, and Jed P. C. Emmons, clerk of the house of representatives, each, for preparing for the press and superintending the publication of the journals of their respective houses, with the accompanying documents, and making indexes for the same, the sum of two hundred dollars; to be paid upon the certificate of the secretary of state, that the same have been completed. To John J. Adam and Jed P. C. Emmons, each, for preparing manual and bringing up the journals of the present session, ten dollars. To John J. Adam, for recording the executive journal of the present session, and superintending the publication of the same, twenty dollars.

John J. Adam,
Jed P. C. Emmons,
John J. Adam and
Jed P. C. Emmons;
John J. Adam.

To George Coombs, nine dollars and sixty-nine cents, for coal furnished for the governor's room. To Snow & Fisk, for stationery furnished at the extra session of the legislature, held in June, eighteen hundred and thirty-seven, eight dollars and seventy-five cents.

George Coombs,
Snow & Fisk.

To Edward Mundy the sum of six hundred and sixty-six dollars, for his services as acting governor at different periods, previous to the first day of January last. That so much of the second section of an act entitled "An act making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, eighteen hundred and thirty-seven," as appropriates the above sum of six hundred and sixty-six dollars to the said Edward Mundy, be and the same is hereby repealed.

Edward Mundy;
part of act repealed.

Sec. 8. There shall be paid to Martin Davis the sum of fifteen dollars, for services as a member of the division court martial; to John E. Schwarz the sum of nine dollars, for services as member of division court martial; to Nahum P. Thayer, the sum of nine dollars, for services as member of division court martial; to

Martin Davis

John E. Schwarz.
N. P. Thayer.

- L. Goodell. Lemuel Goodell the sum of nine dollars, for services as a member of division court martial ; to Garry Spencer, the sum of nine dollars, for his services as a member of the board of a division court martial ; to William P. Patrick, the sum of nine dollars, for services as a member of the board of division court martial ; to George Henderson, the sum of nine dollars, for his services as a member of the board of division court martial ; to Levi W. Bebee, the sum of ten dollars for services as a member of the board of division court martial ; to R. W. Palding, the sum of seventy-five dollars for materials furnished the committee in altering the method of warming the hall of the house of representatives ; to Charles Jackson, the sum of one hundred and two dollars and seventy-five cents, for labor in altering the method of warming the hall of the house of representatives ; to John Gibson, the sum of eighty dollars and fifty cents, for services as crier in the supreme court and court of chancery in the state of Michigan ; to Marsh & Chittenden, the sum of eighteen dollars and twenty-five cents, for fuel for the governor's room ; to C. C. Douglass, the sum of one hundred and ninety-three dollars, for locating the seminary lands in the year one thousand eight hundred and thirty-seven, to be paid out of the interest arising from the seminary fund ; to R. W. Palding, the sum of two dollars and fifty cents, for removing stove pipe from the hall of the house of representatives ; to Joseph Bamblet, the sum of fifty-one dollars, for wood furnished for the legislature ; to Orange Butler, the sum of six dollars and sixty-six cents, for fees as a witness on the examination of the northern and southern railroads, before a committee appointed by the legislature ; to Stephen Vickery, the sum of nine dollars and thirty-seven cents, for copying the census of Kalamazoo ; to H. A. Mansfield, the sum of thirty dollars, for taking the census of Ottawa ; to S. L. Rood, for binding books for the use of the senate, fifteen dollars ; to J. S. & S. A. Bagg, the sum of two hundred and twenty-three dollars and twenty-seven cents, for stationery furnished the house of representatives ; to C. Coggeshall, the sum of thirteen dollars and twenty-eight cents, for locks and trimmings for desks ; to Snow & Fisk, the sum of thirteen dollars and seventy-five cents, for stationery furnished members of the house of representatives ; to John J. Hagerman, the sum of sixty-five dollars, for drawing maps and plans of the Auburn state prison at the request of the commissioners ; to Lemuel Goodell,

the sum of thirty-two dollars as a compensation for his services as brigade inspector ; to Jacob Beeson, the sum of five hundred dollars as a compensation for his services as a commissioner to locate the state penitentiary and reporting a method of discipline for the same ; to H. P. Cobb, the sum of one hundred and seventy-one dollars, for his salary as a commissioner to locate state penitentiary ; to Horace Stevens, the sum of one hundred and fifty dollars, for his salary as a commissioner to locate state penitentiary ; to Robert Abbott, the sum of seventy-five dollars, for stationery furnished for the office of auditor, and for office rent ; to J. M. Burger, the sum of sixty-two dollars, for thirty-one copies of the Morning Post, furnished the members of the house of representatives ; to G. L. Whitney, the sum of one hundred and fifty dollars, for forty-two copies of the Daily Advertiser furnished to the house of representatives ; to A. Treadway, the sum of twenty-one dollars for his services in copying a part of the revised code ; to Thomas Clark, the sum of three dollars, for copying a portion of the revised laws ; to John Berry, the sum of thirteen dollars, for services as assistant clerk, at the extra session of the legislature for the year one thousand eight hundred and thirty-seven ; to Robert Andrews, the sum of six dollars, for services as assistant clerk, at the extra session of the legislature ; to G. L. Whitney, the sum of twenty-four dollars, for newspapers furnished the members of the house of representatives in the year eighteen hundred and thirty-seven ; to J. S. & S. A. Bagg, the sum of one hundred and twenty dollars, for newspapers for members of the legislature ; to Albert Chandler, the sum of twenty-four dollars, for extra services in bringing up the journals and public documents of the extra session of the legislature in the year eighteen hundred and thirty-seven, to be paid by the treasurer of the state on the certificate of the secretary of state that said journals are completed ; to Sheldon McKnight, the sum of forty-one dollars and sixty-four cents, for postage on papers and letters for members of both houses of the legislature ; to J. P. King, the sum of six dollars, being the price of two daily papers due to him by a resolution of the house of representatives, which he has not received ; to Burger and Stevens, the sum of four hundred and twenty-six dollars and fifty-one cents, for stationery furnished the house of representatives ; to James M. Burger, the sum of fifty dollars, for printing bonds and mortgages and furnishing paper for the same, for the use of the bank commis-

J. Beeson.

H. P. Cobb

H. Stevens.

R. Abbott.

J. M. Burger

G. L. Whitney.

A. Treadway

T. Clark.

J. Berry.

R. Andrews.

G. L. Whitney.

J. S. & S. A. Bagg.

A. Chandler.

S. McKnight.

J. P. King.

Burger & Stevens.

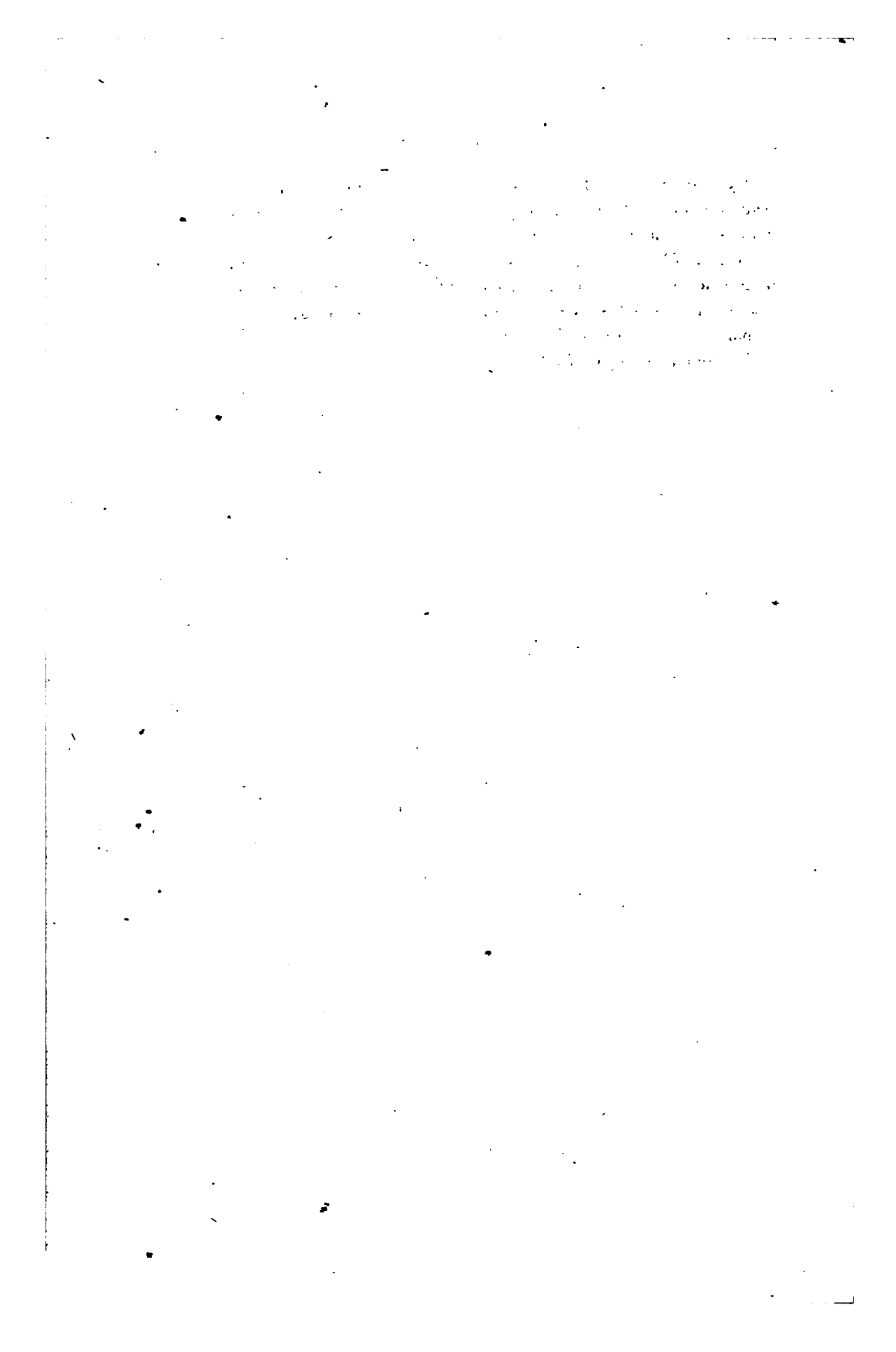
J. M. Burger.

sloners, the same to be deducted from the safety fund ; that the state treasurer be and he is hereby authorized and directed to pay to John S. Bagg, state printer, on the warrant of the auditor general, the sum of ten thousand dollars, out of any moneys in the treasury not otherwise appropriated, on account of printing, binding and stock for the revised statutes, the journals of the late extra session of the legislature, and the laws and journals of the present session, to be deducted out of any appropriations which may be hereafter made for said work, one-half of which amount shall be advanced on the passage of this act, and the other half be paid upon the completion of said work: *Provided*, That no part of said amount shall be advanced until the said John S. Bagg shall give satisfactory bond with two or more sufficient sureties to the auditor general, that the work herein mentioned shall be completed and delivered to the secretary of state as required by law ; to P. Downey, for enrolling, six dollars ; to Robert Andrews, for enrolling, twenty-seven dollars ; to John Cornwell, for enrolling, six dollars ; to Albert Chandler, for services in bringing up the journal and documents of the present session, the sum of one hundred and thirty dollars : *Provided*, That the appropriations herein named, shall not be paid until the same shall have been completed and deposited in the office of the secretary of state ; to Orlando Coombs, the sum of six dollars, for services as sergeant-at-arms pro tempore, and to George Coombs for door-keeper pro tem, the sum of nine dollars ; to E. P. Gardner, publisher of the Ann Arbor Argus, for papers furnished members of the house during the present session, ten dollars ; to Pierre Griffard five dollars, for services rendered by his wife in cleaning hall and other labor ; to Charles T. Potts, twenty dollars, for extra services as enrolling clerk during the present session of the legislature ; James B. Watson, for services as assistant enrolling clerk, the sum of five dollars ; to Austin N. Gould, nineteen dollars and fifty cents, for blank books, in which to keep the records of the court of chancery and supreme court, in the second judicial circuit ; to John Gibson, forty dollars, for wood furnished the supreme and circuit courts, and cleaning the court-house ; to W. T. House, Thomas Armstrong and Nathan W. Metcalf, each fourteen dollars, in full for their compensation as witnesses before the committee of investigation, on the southern railroad ; to John M. Barbour, auditor and member of the board of internal improve-

ment, twelve hundred and fifty dollars, in full for his services, deducting out of that sum the pay he has already received ; said sum to be paid out of the internal improvement fund.

Sec. 9. The fiscal agent of the legislature shall be, and he is Fiscal agent. hereby authorized to receive from the treasury of the state, such sum of money out of the treasury as is sufficient to satisfy the demands in this act provided for.

Approved, April 6, 1838,



RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION relative to toll bridge over River Huron of Lake Erie.

Resolved by the Senate and House of Representatives of the State of Michigan, That the attorney general be and he is hereby instructed to commence legal proceedings against those interested in the toll bridge over the River Huron of Lake Erie, for the violation of an act entitled "An act to authorize the building of a toll bridge over the River Huron of Lake Erie, in the territory of Michigan," unless within thirty days from the passage of this resolution, those interested put or cause to be put in repair the necessary causeways leading to and from the said bridge, in pursuance of said act.

Attorney general to commence legal proceedings against persons interested in toll bridge.

Resolved, That the attorney general cause to be served, on those interested in said bridge, as soon as may be, a copy of the foregoing resolution.

Copy of resolution to be served.

Approved, January 29, 1838.

[No. 2.]

JOINT RESOLUTION relative to Southern railroad.

Whereas, a large proportion of the freeholders of the southern and western sections of this state have, by petition, asked for a

Proceedings thereon suspended for thirty days.

RESOLUTIONS.

review of the intermediate points of the southern railroad, as established by the commissioners; therefore,

Resolved by the Senate and House of Representatives by joint resolution, That the acting commissioner be and he is hereby required to suspend all further operations on said road, for the space of thirty days from the passage, by the legislature, of this resolution.

Approved, January 29, 1838.

[No. 3.]

RESOLUTIONS directing certain moneys to be received in payment of state taxes, and for other purposes.

Treasurer to receive certain money until 16th May, after that time of specie paying banks.

Resolved by the Senate and House of Representatives of the State of Michigan, That the treasurer of this state shall be, and he is hereby authorized to receive in payment of state taxes, until the sixteenth day of May next, the notes of all such banks as are mentioned in the thirteenth section of an act entitled "An act suspending for a limited time certain provisions of law and for other purposes," approved the twenty-second June, 1837, and the notes of all specie paying banks, and from and after that time, the notes of all specie paying banks.

May loan money to board of internal improvement.

Resolved, That the said treasurer shall be, and he is hereby authorized to loan any such moneys as he may from time to time have on hand, to the board of internal improvement, for any period not exceeding one hundred days, or until the same shall be by him required to defray the current expenses of the government.

Auditor general to transmit copies of resolutions, &c.

Resolved, That the auditor general be directed to transmit forthwith a sufficient number of copies of these resolutions to the treasurers of the several counties in this state, by an extra Free Press, with direction to the said several treasurers, to transmit copies thereof to the several collectors of taxes, for their guidance, in each of their respective counties.

Approved, January 30, 1838.

[No. 4.]

RESOLUTIONS concerning banking associations.

Resolved by the Senate and House of Representatives of the State of Michigan, That the president and cashier of the several banks and banking associations in this state, be and they are hereby required, on or before the twenty-fourth day of February next, to make out in writing under their oaths, and to forward by mail to the president of the senate, or to the speaker of the house of representatives, for the information of the legislature and the public, a true statement of the condition of the affairs of their respective associations, as the same stood on the first day of February, A. D. 1838—which statement shall contain :

Presidents and cashiers of banks required to make statements under oath of their condition, and send same to president of senate, &c.

1. The amount of the capital stock of such bank or association.
2. Amount of capital stock actually paid in.
3. Amount held on deposit, and the number of depositors.
4. Amount deposited in other banks, on interest or otherwise.
5. Amount secured by bank stock, designating the stock.
6. Amount invested in public funds, designating the fund.
7. Amount of loans, on mortgages of real estate.
8. Amount of loans on personal security.
9. Amount of specie then on hand, owned by and paid in to such bank or association, designating the sum in gold, and the sum in silver, and specifying the same as actually on hand in kind, and not in specie certificates of other banks.
10. The amount of specie out on loan or deposit in the hands of individuals or corporate bodies.
11. Amount of specie held on deposit or loan from individuals or corporate bodies, with the names of such corporations, and the terms and conditions of such deposits or loans, specifying the sum in gold and the sum in silver, and stating whether the same is actually on hand in coin, or in special certificates issued by other banks.
12. Amount of bills in circulation.
13. Amount of indebtedness of each to other corporations, companies and individuals.
14. Amount of debts due from the directors of such bank or association.
15. Amount due from stockholders of same.

RESOLUTIONS.

16. Amount due from all other persons and corporations.
17. Amount on hand of bills of other banks.
18. Amount of stock in companies.
19. Amount of real estate owned by such corporation, and whether the same be unincumbered, and if incumbered, to what amount.
20. Amount of personal property owned by same.
21. Amount of securities on real estate, furnished by the directors or stockholders of the association in pursuance of law.
22. Amount of bonds of resident freeholders of the state, given in pursuance of the general banking law.
23. Amount secured in pursuance of same law, by mortgage on village or city lots in this state, the place where such lots are situated, whether or not they are incumbered, and their present cash value.
24. Amount secured by mortgage on other lands, stating whether the same are improved or unimproved, incumbered or unincumbered, and where situated.
25. The annual expenses of such bank or association, and the location of its banking-house.
26. Whether the mortgages given in pursuance of law, have become a matter of record in the counties in which the lands mortgaged are respectively situated.
27. Whether thirty per centum of the capital stock of such association was actually paid in, in specie, before such association commenced issuing its bills.
28. If such per centum was so paid in, what has become of it, and if paid out, for what purpose.
29. Whether such association does or does not redeem its bills in specie, when demanded at its counter, and if so, how long since.
30. If such association does not redeem its bills in specie, whether it has or has not complied with the suspension act of the 22d of June, A. D. 1837.

Resolved, That copies of the above resolution be forwarded, without delay, to the president and cashier of the banks and banking associations of this state, and that said resolution be published in the state paper, and the other newspapers in this state.

Copies of
resolution
to be sent
to officers
of banks.

RESOLUTIONS.

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Resolved, That the sheriffs of the several counties of this state shall also be furnished, by mail, with such number of copies as there are banks within their respective counties, and it shall be the duty of such sheriffs to forthwith serve upon the president or cashier of such banks such copy, and make an affidavit of the service thereof, which he shall, without delay, forward to the president of the senate, and to the speaker of the house of representatives, by mail.

Sheriffs to be furnished with copies and serve same upon banks.

Approved, February 2, 1838.

[No. 5.]

JOINT RESOLUTION relative to the Bank of Gibraltar.

Resolved by the Senate and House of Representatives of the State of Michigan, That the president and directors of the Bank of Gibraltar are authorized to open an office in the city of Detroit, for the transaction of the business of said company, for the space of sixty days from and after the passage hereof.

Approved, February 19, 1838.

[No. 6.]

JOINT RESOLUTION relative to appropriation for harbor of River Raisin.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representative in congress be and they are hereby requested to use their exertions to obtain at the present session of congress, an appropriation for the full sum of \$31,462 and 37 cents, (the amount of the estimate of the engineer,) for the completion of the River Raisin harbor.

Approved, March 19, 1838.

RESOLUTIONS.

[No. 7.]

JOINT RESOLUTION relative to publication of certain acts.**Militia and school laws.**

Be it resolved by the Senate and House of Representatives of the State of Michigan, That three thousand copies of the several acts now in existence and applicable to the militia of this state, be printed, and that the same be distributed to the officers of the militia by the commander-in-chief; also three thousand copies of the school act, to be distributed among the several school districts throughout the state; which said school laws shall be distributed in the manner pointed out for the distribution of the acts of the legislature in the ordinary cases, by the secretary of state.

Approved, March 22, 1838.

[No. 8.]

A RESOLUTION relative to the Havre branch railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the president of the board of commissioners of internal improvement is hereby directed to suspend the letting of the contracts on the Havre branch railroad, until the sixteenth day of April next.

Approved, March 27, 1838.

[No. 9.]

RESOLUTIONS relative to the release by the state of certain lands on the Grand and Muskegon rivers.**Preamble.**

Whereas, C. C. Douglass, in obedience to instructions given him by the governor of the state of Michigan, has selected certain lands for said state, purporting to have been selected under the provisions of the act of congress, approved June 23, 1836, viz : sections and parts of sections for state buildings.

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	Section.	Town.	Range.
Entire	24	7n.	12w.
Entire	25	7	12
East half of	26	7	12
North-east qr. of	35	7	12
Fraction	20	8	16
Fraction.	28	10	17
East half of	23	7	12

For the University :

Entire	2	6	9
Entire	27	7	10
North-east qr. and south-east qr. of	22	8	11
North-east qr. and north-west qr. of	23	8	11
Fraction	13	7	12
West half of	23	7	12
West half of	26	7	12
Entire	12	7	14
Entire	30	10	16
South-east qr. of	3	6	9
South-west qr. of	1	6	9
North-west qr. of north-west qr. of	23	8	11

For Salt-Spring Lands :

Entire	34	7	12
North half of	4	6	12
Entire	33	7	12

And whereas, it is represented that most of said lands are settled upon by actual cultivators of the soil, who went on in good faith, prior to said selections being made by the state, and under the encouragement of former pre-emption laws passed by congress, for the benefit of the actual settler on government lands, and the memorials of the legislature of this state to congress for the passage of another pre-emption law for similar purposes ; and whereas, it is represented that said selections may be relinquished by the state, and other lands selected in their stead, without interfering with actual settlers, and without material (if any) detriment to the funds of the state for which they were selected ; and whereas, said selections of land have not been confirmed by the proper authority of the United States, nor as yet forwarded for that purpose ; and whereas, it is as it should be the policy of this state to encourage agriculture and the settlement of the unin-

habited parts of the state by the introduction of industrious citizens; and whereas, impositions are sometimes practiced upon government by speculators, under the assumed appellation of actual settlers; therefore,

When and upon what conditions lands to be released.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the governor of the state be authorized to appoint John Mullett of Detroit, to proceed as soon as may be to the lands hereinbefore specified, then and there to make examination relative to the value of said lands; also to make examination, so far as he the said John Mullett shall deem expedient, of other unoccupied lands now belonging to the United States, lying within this state, and upon the said John Mullett filing a certificate with the governor that he has selected lands in lieu of those above mentioned, which have no settlers upon them; and which are equal in value with those now located, exclusive of the improvement, that then and forever afterwards the same shall be relinquished, and such other unoccupied lands as he the said John Mullett shall recommend, shall be selected for location in their stead.

Confirmation of selections to be stayed until report is made.

2. *Resolved,* That the governor of this state be authorized and required on the part of the state to stay all proceedings relative to the confirmation of said selections of land, now made by the proper authority of the United States, until the report of the said John Mullett, provided for in the foregoing resolution, be made to him as aforesaid.

Approved, March 27, 1838.

[No. 10.]

JOINT RESOLUTION with regard to masters in chancery, &c.

Certain offices declared vacant.

Resolved by the Senate and House of Representatives of the State of Michigan, That the offices of all masters in chancery and notaries public heretofore appointed under the late territorial government, who have not been re-appointed by the authority of this state, are deemed, and are hereby declared vacant, after the passage of this resolution.

Approved, March 31, 1838.

RESOLUTIONS.

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[No. 11.]

JOINT RESOLUTION with regard to the superintendent of public instruction.

Resolved by the Senate and House of Representatives of the State of Michigan, That the superintendent of public instruction be and he is hereby authorized to furnish to the school inspectors of each township one copy of the Journal of Education, for the use of said inspectors, and also one copy to the district board of each district, for the use of said board, and to deduct the amount of subscription for said copies from the moneys to be apportioned to each district and township.

Journal of Education to be furnished to school inspectors.

Approved, March 30, 1838.

[No. 12.]

JOINT RESOLUTION with regard to the survey of a railroad route, &c.

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners of internal improvement be directed to cause a correct and accurate survey and estimate of a railroad route, on the best and most eligible ground from Centerville, via Lockport, Geneva and Cassopolis to Niles, to be made, and to report said survey and estimate to the legislature of this state at its next annual session.

Commissioners of internal improvement to cause survey and estimates to be made and report to legislature.

Approved, April 8, 1838.

[No. 13.]

A RESOLUTION relative to the Palmyra and Jacksonburgh railroad company.

Resolved by the Senate and House of Representatives, That the auditor general be directed to require such additional security from the Palmyra and Jacksonburgh railroad company as he may deem necessary, for further security, on unincumbered real estate, for money loaned to them by the act of June 22, 1837.

Additional security.

Approved, April 6, 1838.

RESOLUTIONS.

[No. 14.]

A JOINT RESOLUTION relative to the revised statutes.

Secretary
of state to
furnish mem-
bers of legis-
lature with
copy revised
statutes.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state be and he is hereby required to procure, so soon as the same shall be published and bound, and forward to each member of the present legislature, a complete copy of the revised statutes of the state of Michigan.

Approved, April 6, 1838.

[No. 15.]

A RESOLUTION relative to the printing of the journals of the legislature.

Two hun-
dred to be
printed.

Resolved by the Senate and House of Representatives of the State of Michigan, That the number of journals of the legislature for the present year, and the extra session of the last year to be printed by the state printer, shall not exceed the number of two hundred of each.

Approved, April 6, 1838.

[No. 16.]

A RESOLUTION proposing certain amendments to the constitution of the state.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment be proposed to the constitution of this state, and that the same be referred to the legislature next to be chosen, and published in pursuance of the provisions of the first section of the thirteenth article: That so much of the first section of the second article of the constitution as prescribes the place in which an elector may vote, and which is in these words, to wit: "District, county, or township," be abolished, and that the following be substituted in the place thereof, to wit: "Township or ward."

Approved, April 6, 1838.

RESOLUTIONS.

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[No. 17.]

PREAMBLE AND RESOLUTION relative to the disputed ground.

Whereas, it seems manifestly intended by the articles of compact contained in the ordinance of congress, of 1787, that any state or states thereafter to be erected north of a due east and west line to be run from the southern extreme of Lake Michigan, should be so bounded south by said east and west line; and whereas, the people of Michigan have heretofore and from the period of the first organization, by the United States, of the late territorial government of Michigan, uniformly understood and believed that any new state which might be so created, north of said line, should of right be bounded southerly thereby, unless by mutual assent said articles of compact should be varied, and a new and substituted south boundary be adopted; and whereas, the congress of the United States did, by an act entitled "An act to establish the northern boundary line of Ohio, and to provide for the admission of the state of Michigan into the Union, upon the conditions therein expressed," passed on the 15th day of June, 1836, and by other subsequent legislative action, purport, without the consent and against the wishes of the people of Michigan, and contrary to the provisions of the constitution of this state, to establish a different southern boundary, whereby if it be permanently established, great injury will be inflicted on the best interests of this state; and whereas, it has been considered doubtful whether the claim of this state, that the southern boundary thereof should be extended to said line, partake so far of a judicial character as that it may be made the subject of decision by the supreme court of the United States, or whether it rested so entirely upon grounds merely political, so that it would properly be the subject of legislative determination only; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor of this state be and he is hereby authorized and requested to communicate with and obtain from one of the most distinguished jurists of the United States, his opinion touching the legal rights of this state to the tract of land on the southern border, commonly called the disputed ground,

Governor to obtain opinion of some distinguished jurist and report same to legislature.

RESOLUTIONS.

and the best mode of prosecuting the claim of this state thereto ; and further, that he make report of the same to the next legislature.

Approved, April 6, 1838.

[No. 18.]

A RESOLUTION relative to the publication of the laws of the present session.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of state, in the publication of the laws passed at the present session in the state paper and in a bound volume, shall not be required to publish, in manner aforesaid, such acts as are designed to form a part of the revised laws ; and in the volume aforesaid, he shall include all laws, except the revised laws, passed at the adjourned session of the last legislature.

Approved, April 6, 1838.

[No. 19.]

A RESOLUTION extending the time for the printing of the revised statutes.

Resolved by the Senate and House of Representatives of the State of Michigan, That the time limited by any existing law or resolution for the printing of the revised statutes of said state be and the same is extended to the first day of August next.

Approved, April 6, 1838.

[No. 20.]

JOINT RESOLUTION relative to the Southern railroad.

Commissioners to curve southern railroad or make branch to Dundee.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of commissioners on internal improvement be and they are hereby directed to curve the south-

RESOLUTIONS.

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ern railroad between the village of Petersburg and the city of Monroe, continuing the same on the south side of the River Raisin, if such curve can be made as cheap as a branch can be made from said southern railroad, if not, that they make a branch road to the village of Dundee : *Provided*, That in either case the persons owning the village plat in Dundee, or some of them, shall deed to the state a convenient lot for a depot in or near said village, and that they or some of them shall further deed to the state for its use, a sufficient amount of water power, to carry the machinery for a machine shop, and a convenient lot on which to place said shop.

Approved, April 6, 1838.

[No. 21.]

A JOINT RESOLUTION giving certain instructions to the board of commissioners of internal improvement.

Resolved by the Senate and House of Representatives, That the commissioners of internal improvement be and they are hereby authorized, with the consent of the common council of the city of Detroit, to extend the tracks of the central railroad from its present termination down Woodward avenue to its intersection with Atwater street, and thence each way along said Atwater street, as far as said commissioners may deem best for the public good : *Provided*, The expense does not exceed five thousand dollars.

With consent of common council to extend railroad track down Woodward avenue.

Approved, April 6, 1838.

[No. 22.]

JOINT RESOLUTION with regard to the board of internal improvement.

Resolved by the Senate and House of Representatives, That the board of internal improvement be instructed to contract for one hundred miles of railroad iron.

Railroad iron

Approved, April 6, 1838.

RESOLUTIONS.

[No. 22.]

A RESOLUTION relative to the annual report of the auditor general.

Changes in
financial
system.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general of this state be directed, with his official report of the finances of the state, at the annual session of the legislature, to report also such changes in the financial system of this state as in his opinion may be expedient, and may tend to a more equal taxation and more economical course of disbursements.

Approved, April 6, 1838.

LIST OF LAWS

PASSED AT THE ADJOURNED SESSION OF 1837, AND THE REGULAR SESSION OF 1838.

Adjourned Session—1837.

No.	Title.	Page.
1.	An act to amend an act entitled "An act authorizing a loan of a sum not exceeding five millions of dollars," approved March 21, 1837,	3
2.	An act authorizing the township boards of school inspectors who have failed to make their report to the county clerks of their respective counties, as required by the act entitled "An act to provide for the organization and support of primary schools," to make said report on or before the first Monday of April next,	4
3.	An act to amend an act entitled "An act suspending for a limited time certain provisions of law, and for other purposes,"	5
4.	An act for the destruction of wolves,	5
5.	An act to authorize the sheriff or other officers of the county of Lenawee to use the jail built by the supervisors of said county in the village of Adrian,	7
6.	An act to provide for the safe keeping and management of the state library,	8
7.	An act for the relief of John Goodrich,	9
8.	An act to organize the counties of Eaton and Ottawa,	9
9.	An act for the preservation of railroads and other works belonging to the state,	10
10.	An act to organize certain townships,	14
11.	An act for the relief of Robert Abbott and others,	16
12.	An act to incorporate the Port Sheldon and Grand Rapids railroad company,	16
13.	An act to amend an act entitled "An act to organize and regulate banking associations" and for other purposes,	24
14.	An act making appropriations at the adjourned session of the legislature held and convened on Thursday, the ninth day of November, 1837,	37

Regular Session—1838.

No.	Title.	Page.
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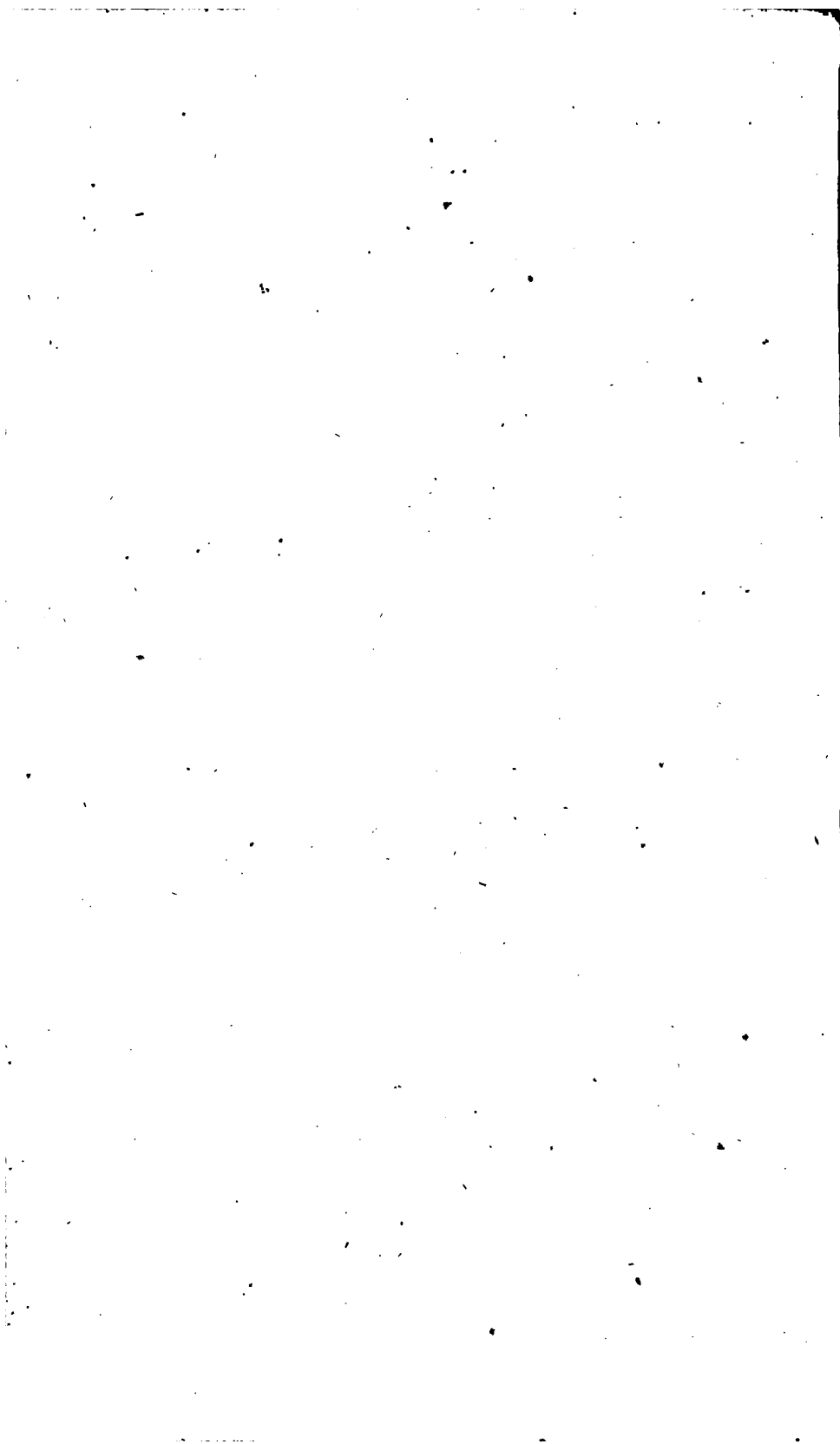
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